













A  
SHORT HISTORY  
OF THE  
EAST INDIA COMPANY:

EXHIBITING  
A STATE OF THEIR AFFAIRS, ABROAD AND AT HOME,  
POLITICAL AND COMMERCIAL;

The NATURE and MAGNITUDE of their COMMERCE,  
AND ITS RELATIVE CONNECTION  
WITH  
THE GOVERNMENT AND REVENUES OF INDIA;

AND A  
Discussion on the Question of Right to the Conquered Territories in India;

ALSO  
Remarks on the Danger and Impolicy of Innovation,

AND THE  
Practical Means of ensuring all the good Effects of a Free Trade to the  
Manufacturers of Great Britain and Ireland,

BY  
MATTER OF REGULATION, WITHOUT DISTURBING  
THE ESTABLISHED SYSTEM.

THE SECOND EDITION, WITH SOME ADDITIONS.

TO WHICH IS ADDED,  
AN ABRIDGMENT OF THE NEW ACT.

*F. R.*

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L O N D O N:  
PRINTED FOR JOHN SEWELL, CORNHILL, AND JOHN DERRICK, ...

1793.



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# I N T R O D U C T I O N.

**A**MONGST the many superior advantages derived to the community from a Government constituted like that of Great Britain, the means which it affords, through the Liberty of the Press, for a free discussion and communication of sentiment on every national concern, and more particularly such as in their nature must pass the Ordeal of Parliament, is one of the first in utility and eminence. It is by communications of this nature alone, that practical knowledge and experience can be conveyed to the uninformed, and their benefits diffused and secured to future generations. Hence the Senator is furnished with information the most to be relied on, because the most exposed to scrutiny and exposition; and, by comparing and weighing in his closet all facts, arguments, and opinions thus submitted to public view, with what he may collect from private quarters, he is enabled to form an impartial judgment, and to decide upon just principles and intrinsic merits; and thus topics otherwise abstruse and difficult become easy and familiar. Under the influence of this impression, the Editor of these sheets, whose particular situation and line of life has, he conceives, afforded him the means of setting in their true lights the Nature and State of our India and China Trade, in a way that may be useful, at a juncture when that very important and valuable branch of our Commerce is at the eve of undergoing the most serious investigation, would have thought himself remiss in his duty as a good citizen, had he remained silent.



As the main object of this Treatise is to furnish useful information relating to the Asiatic Trade, to such, as either by their avocations, or the want of better means, have been prevented from obtaining it elsewhere, rather than with a desire to enter the lists with those already conversant on the subject, and who may be disposed to become disputants with respect to the best means for conducting it, we have thought it right to give a connected, but very brief, account of the Origin and Progress of the Trade, and the History of the Companies erected for carrying it on, previous to our entering into the consideration of the state of it, as at present circumstanced.

The favorable Reception of this Tract by the Public, under the former Edition, has induced the Editor to permit this second Edition to be printed. The Justice of the opinion he had ventured to obtrude in the 3d Chapter, relative to the Claim of the Company to the exclusive Property and Revenue of the five Northern Circars, having been in some degree questioned by respectable Characters, in high official Situations, he has added a Section on that Subject, to shew the Grounds on which that Opinion was formed. If it be a wrong one, he is open to Conviction, and will not hesitate to acknowledge his Error. The Facts he has stated may at least lead to a further Elucidation of several particulars which, however important, are at present little known to the Community.

## C H A P T E R I.

*The Origin of the Old and New East India Companies, with their Union.*

THE passage by Sea to the Peninsula of India, and the Eastward part of the Continent of Asia, the present seats of our Asiatic trade, was not discovered till about the latter end of the 15th Century; and of the various attempts made from hence by individuals to open a Trade thither, none proved successful, until \* Queen Elizabeth established the first Incorporated Company by the Name of *The London East India Company*. After a long series of Disasters and Losses this Company obtained from *the Country Powers*, at a great expence, the Privilege of a limited Trade in certain parts of India and Persia, and of making small Settlements or Houses of Trade called *Factories*, for the residence of their Factors and Servants. In those early times the † Charters of the Crown, and the Powers which they conveyed, were not thought to require Parliamentary Sanction; nor was it until after the Restoration of Charles II. that the Rights or Authorities derived under them, though resting on Prerogative alone, were first called in question.

The Science of Navigation, and the true Principles of Foreign Trade, during the existence of those Charters, were but beginning to dawn upon us. At the time of their cessation, we could be said to be only in a state of Commercial Infancy. We are therefore not to be surprized at finding, that by the interruptions of speculative Adventurers, called *Interlopers*, who had begun to resist the exclusive Claims of the Old Company, derived by their Charters, on the ground of their wanting the Sanction of Parliamentary Authority, and by occasional failures of investments of goods from abroad, and the not unfrequent losses of ships in their passage, the Commerce of the Company was often chequered with disasters and disappointments.

Notwithstanding these vicissitudes and discouragements, the Company, with many hard struggles and heavy expences, formed by degrees various ‡ Factories and Houses of Trade both in *India* and *Persia*; and at length becoming more

\* The Charter was dated the 31st December, 1600. Printed Acts and Charters, Part 1, Page 3.

† See Anderson's History of Commerce.

‡ *Forts*: Mazagom, Mahim, Syon, Syere, Warlee, Carwar, Angengo, Tellicherry, Calicut, Fort St. George, Fort St. David, Vizagapatam, York Fort or Fort Malabar, Fort Willing, Bombay, and St. Helena.

*Factories*: Surat, Swally, Broach, Amadavad, Agra, Lucknow, Gombron, Shyras, Ipohat, Chingu, Orix, Cuddalore, Porto Novo, Pettipolee, Metchlepatam, Madapollam, Indrapo, Tryamong, Sillebar, Tonqueen, Bellafore, Colimbuzar, Dacca, Houghley, Malda, Ryama and Patna, with the Customs of Trade, and a Rent of 3333*l.* 6*s.* 8*d.*, granted by the Shah of Persia.

successful, their prosperity began to excite that sort of envy in Individuals, which is too apt to result from the beneficial Commerce of Great Bodies. Various attempts were in consequence made to induce the Crown, and even Parliament itself, to interpose and revoke the Charters of the Company; some on pretext that every man had an equal Right to trade in the *East* as well as the *West Indies*, whilst others hoped to effect it on proposals of Terms of Advantage in point of Publick Finance, that they might themselves be erected into an exclusive Company, to the downfall of that which existed.

Such was the state of things in 1693, when the Company, by an accidental Failure in the Payment of a paltry Duty which had been imposed on their capital Stock, gave an opening to Government to determine their Charters: For, by the \* Act which imposed that duty, any default in payment, within the time therein limited, rendered their Charters *void*: And though, in the same year, the Crown, to obviate all doubts, revived their Powers and exclusive Privileges by a new Charter, the Company were obliged to submit to a condition that their Capacity and Trading should in future be *determinable on Three Years Notice*. The legal obstacle to the erecting a new Company being thus removed, an † Act was passed in 1698 for borrowing *Two Millions* on a Loan at 8 per Cent. towards carrying on the War; and as an encouragement to Subscribers, it was declared, that they should be incorporated by a Charter from the King into a *General Society*, with liberty for each individual Member to trade to India and the other Limits of the Old Company's exclusive Charter; so that the value of his Exports exceeded not his Share of this Loan or Capital; and that such of the Subscribers as should choose to convert their Subscriptions into a *joint Stock*, should be at liberty to do so, and be incorporated by a *separate Charter* by the name of "*The English East India Company*," with the privilege of trading with and to the amount of such *joint Stock*. All persons but those incorporated, and such as they should license, were prohibited from this Trade, except the Old Company, who had time given them to wind up their Commercial Affairs. The Act reserved a power to determine the Charters both of the General Society and the New Company after September 1711, *on Repayment of the Loan, and Three Years Notice*.

The bulk of the Subscribers having agreed to trade as a separate Company with a joint Stock, the Old Company, in whose prejudice the two New Corporations were to be erected, found means to become Members *for a very large proportion* of the Loan of Two Millions. With an interest thus acquired, they joined with the English Company, and with the superior Knowledge of the Trade, which they had gained by experience over the other members, and possessed as they were of Shipping, Stores, and Stock at home, and of the Settlements and Factories necessary to the Trade abroad, they obtained a decided influence in the general Courts of the New Company, and thus paved

\* Act 4 and 5 Will. and Mary, ch. 15. s. 10 and 12.

† Act 9 and 10 Will. III. ch. 44.

the way to that Union which afterwards took place in 1702, and which, under the auspices of *Lord Treasurer Godolphin*, in 1708, was confirmed by Parliament. By the terms of this Union, the Warehouses at home, and Shipping, and also *all the Settlements and Factories* of the Old Company in the *East Indies, Persia, and China*, including *the Islands of Bombay and St. Helena*, with their Dependencies, and all their Rights and Privileges, however derived, became vested in the United Company, except their *Body Politic*, which they surrendered to the Queen.

The curious Reader will wish to learn what became of the *general Society*, whose Members were individually authorized to trade, as far as the value of their Subscriptions in Goods, exported from hence. All we can discover of them is, that though they were actually *incorporated* by the King's Charter, and were therefore legally authorized to send ships to India or China, it does not with certainty appear that any one ship was ever fitted out by them: and that the superior advantages of being concerned in the Trade to be carried on *with a joint Stock* were so evident, that at the time of the Union of the Two Companies, out of the whole Loan of Two Millions\*, only £. 7,000 then remained the property of *The separate Traders of the General Society*, and that this sum also was soon absorbed in the United Company, whose capital or trading *Stock*, by which their Dividend of Profits was to be governed, thereupon became fixed at *Two Millions*.

Having thus briefly traced the general History of the two Companies to their perfect Union, we shall refer our Readers to the † Collection of Statutes, Charters, and Bye-laws of the India Company, lately printed and published, for any further particulars they may desire on that part of the subject, and close this Chapter, with a short recital of the Acts of Parliament, by which the United Company have been continued in the exclusive Trade to the present time, and of what were the conditions of the compacts made with the Public on those occasions.

The first enlargement of their term took place in 1708 ‡, when the United Company bargained with the Public to advance £. 1,200,000 as a loan, but without any interest, (or, which operated as the same thing, at a reduced interest of 5 per cent. on the two loans conjointly), for an extension of their term in the exclusive Trade of fifteen years, and thus *their nominal trading capital*, on which the dividend was made, became advanced to £. 3,200,000.

In 1712 || the Company petitioned Parliament, on the ground that the term which remained unexpired in their trade was too short to admit their risking

\* Act of 6 Anne, ch. 17. s. 7.

† By FRANCIS RUSSELL, Esq. of the India Board, and printed by EYRE and STRAHAN, His Majesty's Printers.

‡ Act 6 Anne, ch. 17.

|| Commons Journals.

the further necessary expences of regaining and securing the *Pepper Trade*, which had been engrossed by the *Dutch*, that their corporate capacity might be continued, tho' the debt due to them from the Public should be redeemed. In consequence of this petition †, an act passed for repealing all former provisos and powers of determining their trade or incorporation, but with power for the Public to redeem the debt at any time after September 1733; and thus the United Company were supposed to have obtained a *perpetuity* as well in the *exclusive trade*, as in all their *chartered rights and capacities*. They however submitted themselves in that respect to the pleasure of Parliament in 1730, when an act ‡ was passed for continuing to them their exclusive trade 'till 1766, for which they gave the Public a premium of £. 200,000 without any return of either principal or interest, and also agreed to a reduction of the rate of interest to £. 4 per cent. on the debt of £. 3,200,000, and to accept of payment of the principal by instalments of £. 500,000 at a time.

In 1744 || they contracted for, and obtained a further addition of fourteen years in the exclusive Trade, for which they lent to the Public *one million* at 3 per cent.; and in 1750 § they agreed to a further reduction of the rate of interest on the former debt to 3 per cent.

Thus grew the present debt of £. 4,200,000 from the Public to the United Company, carrying with it an annuity of £. 126,000. But the Company's capital or nominal sum, by which their dividends were governed, continued as before at £. 3,200,000, *the million* last lent having been raised by their bonds, and therefore not added to their former capital.

The *last renewal* was made by contract with the Public in 1781 \*, when a further Term determinable in 1794 was granted in the exclusive Trade, on payment of £. 400,000 in discharge of all claims on the Company by the Public, previous to 1st March, 1781. But it was provided by Parliament, That after payment of a yearly dividend of £. 8 per cent. to the holders of India stock, the surplus of all the net proceeds of their trade and revenues should be applied, *three fourths* to the use of the Public, and the remaining fourth to the use of the Company.

The debts incurred by the Company in the wars subsisting in India at and after that period, have hitherto prevented any such surplus from arising, and therefore no participation of revenue hath taken place under this act. On the contrary, the pressure of those debts, and the compulsory clauses of an act of 1784, by which the Company are obliged to keep a stock of teas always in their warehouses sufficient for one year's consumption, have rendered it necessary for them to enlarge their actual trading capital, by new subscriptions, to *five millions*, for which they had the sanction of Parliament granted them by two acts of the years 1786 and 1789.

† Act 10 Ann. ch. 28.

§ Act 25 G. 2. ch. 22.

‡ 3 G. 2. ch. 14.

\* Act 21 G. 3. ch. 65. s. 9.

|| Act 17 G. 2. ch. 17.

In order to determine the exclusive Trade, it is necessary that the Public should first make provision for the debt of £.4,200,000 which is still due, partly to the Company and partly to the Annuitants. The nature of their respective interests in this debt we will endeavour to shew in the succeeding Chapter.

## CHAPTER II.

*The Origin of the 3 per Cent. Annuities transferrable at the India House, and the Funds chargeable with the Payment of them.*

WE have shewn in the preceding chapter, the origin and progress of the Debt of £.4,200,000 incurred by the Public to the East India Company, and that in 1750 *the interest or annuity* payable on it was reduced to the rate of 3 per cent. or £.126,000 per annum.

The securities pledged by the Public for the payment of the annuities were these: Certain *Salt Duties* and *Stamp Duties* were, in the first instance, made chargeable for the interest of £.160,000 on the two first loans of £.3,200,000, and when in 1730, the interest was reduced to £.128,000, it was made a specific charge *on the Aggregate Fund*.

The £.30,000 per annum for the interest of the *One Million Loan* was charged on certain *Duties upon Spirits*, and upon the *Sinking Fund*.

The terms upon which the Company agreed, in 1750, to reduce the rate of their annuity to 3 per cent. were (as is specified in the act for that purpose) that they should be permitted to raise £.4,200,000 *by sale of annuities* at the same rate of interest which the Public were to pay to the Company; and it was declared that the annuities so sold should be paid half-yearly at the *India House* (where the *transfer books* were to be kept and managed) *out of the same duties and revenues* as stood chargeable with the payment of the interest of the debt due by the Public to the Company, subject nevertheless to the like proviso of *redemption* by the Public as the said loans were subject or liable to.

Under this power the Company sold\* annuities to the amount of £.2,992,440 : 5s. carrying an interest or dividend of 3 per cent. per ann. amounting to £.89,773 : 4s. which sums constitute what are called *East India Annuities*, the half-yearly payments of which are regularly made at the India House, out of the annuity of £.126,000 received by the Company at the *Exchequer*, the remainder being still the property of the Company.

Some doubt having been entertained whether the Company's power to sell *the remainder* of these annuities continued in force under the act of 1750, they were

again impowered to sell it by an act of the year 1786, in which it was provided, that the purchasers thereof should hold their annuities upon the like terms as the former purchasers; and that what should be so sold should be consolidated with the annuities formerly sold, and that the debt of £.4,200,000, due by the Public to the Company, should be a collateral security to the holders thereof, but subject to redemption.

The Company however have not availed themselves of their power to alienate the remaining part of this annuity, amounting to £.1,207,559 : 15 s. producing £.36,226 : 16 s. per ann. but still retain it in property; and over and besides that income, they also receive from the *Exchequer*, by virtue of an act \* of 1751, £.1687 per ann. for the *receiving, paying, and managing*, the amount formerly sold to the annuitants, being in proportion to the allowances made to the *Bank* for the management of Bank Annuities.

The India annuities are therefore part of the *National Debt*, charged upon public revenues alone, and redeemable only by the Public; and being so, provision is made by the act of 1786 “for reduction of the national debt,” that when and as the annuities shall be purchased or paid off by the *Commissioners*, the Directors of the *East India Company* shall permit *Transfers* thereof to be made in their books into the names of the *Commissioners*, similar to what is done at the *Bank* and *South Sea House*, and the Bank are impowered to receive the *annual dividends* thereof for the use of the Public.

By the Consolidation Act † of 1787 the Annuity of £.126,000 per ann. payable by the Public to the Company, (and out of which they pay the Annuitants) is charged upon the Consolidated Fund.

The *India Annuity* has been for several years at a price inferior to the annuities of an equal rate transferable at the *Bank*. This difference has been probably occasioned by the distance of the place of its transfer from the *Stock Exchange*, and its small annual amount, preventing that frequency of its being brought to market, which is necessary to a quick demand, and where the magnitude of other redeemable annuities renders this of but little consideration. The consequence has been, that not a single purchase has been made of the *India Annuity* by the *Commissioners* for the reduction of the *National Debt*, though, when brought in small sums (as it usually is) to market, it has been generally sold at the rate of from 3 to 4 per cent. less than the *Bank reduced Annuities*, and perhaps the general knowledge that the *Commissioners* have made no purchase in it, may have operated as an additional cause in depressing its price.

It would be better if this annuity were consolidated with the Bank Annuities. The allowance of £.1687 per ann. might be saved to the Public; the value of the annuity would be improved in the hands of the Proprietors, and the

\* Act 24 G. 2. ch. 56.

† 27 G. 3. ch. 13. s. 54.

Public in no respect injured, while the Company, if they choose to part with their share of it, would find it more marketable, and obtain a higher price.

### C H A P T E R III.

*Of the Forts, Factories, and Territories in India, distinguishing those which are the Property of the Company by Purchase, from those acquired by Conquest.*

**P**REVIOUS to suggesting any regulations for the future Trade from Great Britain to the East Indies, it appears necessary, on account of the relative connection that subsists between the Revenues of our Asiatic Possessions and the \* *Investments* of India Goods for China, as well as for Europe, to ascertain what *Fortresses, Ports, or other Places* of Importance to the Trade of India do of right belong to the Company in perpetuity, free from the claims of the Public, to examine what those possessions are, and to distinguish such as were acquired by actual Conquest or influence of arms, and to which the Nation have made their claim, from such as were the Property of the Company before the making of any conquests, by purchase from the Native Powers.

The result of this investigation is, that *Fort St. George, Madras, and Vizagapatam*, and every other valuable sea port possessed at this time by the Company on the *Coast of Coromandel*, and visited by their ships from hence, together with their Settlements of *Fort William* and *Calcutta* on the *Ganges*, *Fort Marlbro'* or *York-Fort* at *Bencoolen*, and the *Islands of Bombay and St. Helena*, were purchased by the *Old East India Company* †, and conveyed by them to the present Company, in full right for ever. In this description *Masulipatam* alone is meant to be excepted.

At these *Ports*, and above all at *Calcutta, Madras* and *Bombay*, the Company are equally intitled to *Port Duties* and *Customs* on *Imports* and *Exports*, as they are to the places themselves, and have been in the constant exercise and enjoyment thereof at all times. The *Towns of Madras and Calcutta* as well as the two *Forts*, are built chiefly, if not entirely, upon the lands of the Company, under annual *Ground Rents*. By Grants obtained from the Native Powers, they are also

\* Though the provision of Investments is generally aided by the Revenue, in the first instance, it has frequently happened in time of war, that Bills of Exchange, to a greater amount than the prime cost of the goods, have been drawn upon the Company to reimburse the Treasuries abroad, for the money advanced from the revenues.

† Fort St. George was made a Settlement by the Old Company in 1620; St. Helena in 1651; Calcutta and Fort William in 1689; and Bombay in 1668.



possessed of, and intitled in perpetuity to \* *the Five Northern Circars*, the *Purgunnahs* and *Jaghire Lands*, and sundry valuable *Factories* and *Houses of Trade* on different parts of the Continent of *Asia*, and in the *Asiatic Islands*. To these therefore the *Public* have no Claim whatever.

But with regard to the *Provinces* (or *Kingdoms* as they are called) of *Bengal*, *Bihar*, and *Orissa*, the Country of *Benares*, and the Country newly acquired from *Tippoo Sultan*, the right of property to them stands on a very different ground, and were it not for those *equitable Claims* which the Company and their *Creditors* seem to have, to be first repaid or indemnified for the expences and debts unavoidably incurred in the Conquest of those countries, and in their subsequent defence and protection, little doubt could be entertained in respect to them; for the right, subject to those claims, is indisputably in the *Public*; nor have we been able to discover from what source the doubt, which has been by some persons entertained regarding it, has arisen. As far as our researches have gone, neither the Court of Proprietors nor the Court of Directors, nor any of their Committees, ever laid claim to the property of these *conquered Territories*, either by any formal *Resolutions*, or by any of their *Petitions* to Parliament, although the *appropriation* of the revenues of those territories, underwent full and serious discussions both there, and at the *General Courts* on many <sup>1737</sup>*occasions*, and particularly in 1766, 1767, 1769, 1773, 1779, 1780, 1781, and <sup>1782</sup>1784; and the Company having for a series of time agreed to become *participants* of the territorial revenues with the *Public*, and having also paid annually to the *Exchequer* ‡, for the use of the *Public*, their stipulated share of £. 400,000 per ann. until prevented by the pressure of new debts incurred by the expences of supporting wars in *India*, it would be superfluous to create a doubt on the right of the *Public* at this day.

We are aware, that in the temporary Act of 1779, as well as in the Acts of 1780 and 1781, a clause was inserted declaring that the appropriation of this revenue made by these Acts should not *prejudice the Rights either of the Public or the Company*: but, if we mistake not, there was no such *saving clause* offered, much less inserted, in either of the former Acts of Appropriation.

Left, however, any person should, for want of being better informed, hesitate to pronounce the right to these extensive and valuable territories to be in the *Public*, (subject, however, to the equitable and just claims for *indemnity*

\* The Circars being held merely as a Farm under Nizam Ally, at a yearly rent of seven lacs of rupees, or about £. 70,000 per ann. Sterling, with an exception of the Diamond Mines, and under other special conditions, we apprehend, but with submission to better judges, that the Circars stand on a similar footing with the Jaghire Lands. See Chapter XV for the History of some of these acquisitions, and particularly Masulipatam and the Northern Circars.

‡ These payments, between 1766 and 1782, amounted to upwards of Two Millions Sterling.

both of the *Company* and their *Creditors*), we shall briefly state what we conceive sufficient to obviate every doubt.

It will be remembred, that our conquests in *India* immediately followed that memorable and ever to be lamented act of barbarity, committed on the *Company's* servants in the *Black Hole of Calcutta*, by the then Nabob of Bengal. This happened in 1756, and the *Company*, after having directed their servants abroad to take the most speedy and vigorous measures for recompensing themselves, preferred their \* *Petition* to the King, stating the doubt “ whether the  
“ *lands, plunder, and booty* which might be conquered or taken by their forces  
“ upon any occasion, *would not belong to His Majesty*; and praying that in con-  
“ sideration of their expences and losses, the King would grant them the *plunder*  
“ *and booty*, and that the *Company* might be permitted to hold and enjoy to  
“ them and their successors, subject to His Majesty's right of Sovereignty  
“ therein, all such *Fortresses, Districts, and Territories*, as they had already ac-  
“ quired, or might acquire from any *Nation, State, or People, by treaty, grant,*  
“ *or conquest*, with power to restore, give up, and dispose of the same, as they  
“ might see occasion, subject to His Majesty's disposition as to lands acquired  
“ by conquest from the subjects of any *European Power*.”

The *Petition* being referred to the consideration of the Attorney and Solicitor General, (the present *Lord Camden*, and the late Chancellor *Mr. Charles Yorke*), they made their report dated the 24th December, 1757, of which the following is a literal extract :

“ In respect to such places as have been, or shall be acquired by Treaty or  
“ Grant from the Mogul, or any of the Indian Princes, or Governments, Your  
“ Majesty's Letters Patent are not necessary; the property of the soil vesting  
“ in the *Company* by the Indian Grants, subject only to Your Majesty's right  
“ of Sovereignty over the Settlements, as English Settlements, and over the  
“ Inhabitants, as English Subjects, who carry with them Your Majesty's Laws  
“ wherever they form Colonies, and receive Your Majesty's protection, by  
“ virtue of Your Royal Charters. In respect to such places as have lately been  
“ acquired or shall hereafter be acquired by conquest; the property, as well  
“ as the dominion, vests in Your Majesty, by virtue of Your known Prero-  
“ gative; and consequently the *Company* can only derive a right to them,  
“ through Your Majesty's Grant. But we submit our humble opinion to Your  
“ Majesty, that it is not warranted by precedent, nor agreeable to sound po-  
“ licy, nor to the tenor of the Charters, which have been laid before us, to  
“ make such a general grant, not only of part, but of future contingent con-  
“ quests, made upon any Power, European or Indian, to a Trading *Company*.  
“ Many objections occur to it, more material to be weighed than explained.  
“ If at any time the East India *Company*, in the prosecution of their just rights,  
“ shall chance to conquer a Fortrets or District, which may be convenient for

\* Vide Appendix to 1st vol. Bolt's History, for this *Petition* and Report.

“ carrying on their trade, and is afterwards either ceded to them by treaty,  
 “ or proper to be maintained by force, it is time enough to resort to Your  
 “ Majesty for Your Royal Grant, whenever the case arises. At the same time  
 “ we must do justice to the honourable intentions of those who preferred this  
 “ Petition to Your Majesty, in saying, That as soon as the objections were  
 “ intimated, they readily acquiesced, and expressed themselves much more  
 “ anxious for the sake of obtaining a clear rule for the direction of their officers  
 “ in India, to have their doubts explained, as to their powers of restoring or  
 “ surrendering places conquered; and to know whether the Company is ena-  
 “ bled, by any of their present Charters, to yield up conquests made on the  
 “ Indian Princes or Governments by treaty, without Your Majesty’s Licence  
 “ in every instance; the procuring of which might be attended with great  
 “ delay in pressing exigencies. In answer to this doubt so stated, we are  
 “ humbly of opinion, that the Royal Charters, granted to the Company,  
 “ having repeatedly given them the Powers of making Peace, as well as War,  
 “ with the Indian Princes or Governments, it is incident to the Power of  
 “ making Peace to be enabled to restore conquests, or things taken in war,  
 “ otherwise they would have the Power to make Peace, without the means  
 “ of obtaining it. But to remove all possible doubts, we think it will not be  
 “ improper (if it shall be Your Majesty’s pleasure) to explain their Powers  
 “ of making Peace, by a clause to be inserted in the Letters Patent proposed,  
 “ enabling them to make cessions of new Conquests, acquired from any of  
 “ the Indian Princes or States, during the late troubles between the East India  
 “ Company and the Nabob of Bengal, or which shall be acquired in time  
 “ coming; with an express exception, agreeably to the Prayer of their Pe-  
 “ tition, of any Settlements or Territories conquered from the Subjects of  
 “ any European Power, leaving the same open to be disposed of in all cases,  
 “ according to your Royal Wisdom.”

Upon this Report, the King granted all *plunder and booty* to the Company,  
 under certain restrictions; and also licensed “ the Company and their Servants,  
 “ by any Treaty of Peace with any *Indian Princes or Governors*, to cede, restore,  
 “ or dispose of any *Fortresses or Territories* acquired, or thereafter to be acquired  
 “ by conquest, except Settlements conquered from any *European Power*, which  
 “ they were not to dispose of without His Majesty’s Permission\*.” Which  
 Licence, thus restricted, was accepted by the Company. To add to all this,  
 the House of Commons in 1773 (which was Nine Years after the Company’s  
 possession had been established by a Grant from the Mogul in the Dewanneeship  
 of Bengal) came to a decisive Resolution, “ *That all acquisitions made under the*  
 “ *influence of a Military Force, or by Treaty with Foreign Princes, do of right belong*  
 “ *to the State.*”

\* Coll. of Statutes and Charters, 2d Part, p. xliv.

## C H A P T E R IV.

*Expences incurred by the Company in the Indian Conquests.*

HAVING mentioned the Expences of the Company incurred in the conquest and subsequent defence of the territories in India, it will be expected that a fuller explanation should be given on that head.

It has been asserted, with more Confidence, perhaps, than truth, that the *Territorial Revenues* have been so blended in India with the *Commercial Funds* of the Company, as to render every attempt to discover the amount of the expences sustained in the acquisition and protection of those Territories, beyond the net revenues they have yielded, fruitless and nugatory: And that no injustice will be done by setting the Receipts against the Payments, and thus closing the account for ever.

Were the Revenues to be continued under the collection of the Company until their debts abroad and at home were discharged, and the value of their commercial assets become sufficient to cover their Capital Stock, there probably would be no difficulty in acceding to the final adjustment of the Account in the manner proposed. But burthened as the Company are with debts, and after having so recently advanced large sums by new subscriptions to their Capital Stock, it behoves them, in Justice to their Creditors and to themselves, as well as for the support of their honour and character, to shew that the *Revenues of India* have fallen short of reimbursing the excess of their disbursements in respect of the territories, by the full amount of the debts owing abroad and at home, the current debts incident to their commerce excepted. And though it may be true, that the Land Revenues and the Commercial Funds have been in some respect mixed together, so as to render it a fruitless attempt to separate them at this day, yet as the Company are well known to have received no other remittances from abroad, than by the medium of their investments, we may venture to assert, that if an account were taken at home, after the following method, the out turn of it would be sufficiently correct for every useful purpose, and afford all the satisfaction the nature of the case seems to require.

1<sup>st</sup>. Let an account be taken of the *prime cost, outfit, freight, and charges of merchandize, of all bullion, goods, and stores exported by the Company to India*, for any given time; and add thereto the *profits* derived by their sales there (those being considered as the exclusive right of the Company). To this, add also the expences of the commercial establishments, and other charges of merchandize in India, and the *amount of bills of exchange*, and the expences of *forces and recruits* paid by the Company in London, and the money paid into the *Exchequer* for the

use of the Public.-The aggregate of these will shew what India may be debited to the Company.

2nd. In contrast with that *debit* should be placed the amount, at their *prime cost* in India, of all *investments* shipped there both for Europe and China, and all remittances from India to China within the same period.

If the aggregate of the Payments at home have exceeded the receipts by remittances from India to China, and by the investments from India to China and Europe at their prime cost, then will the Company have a right to place the difference as a *debt* against the *territories in India*; but if their receipts by those remittances and investments shall be found to exceed *their payments at home*, then will the Company be indebted to that amount to the *territorial revenues*.

There will however remain another small account to be adjusted, to bring the intended statement to a nearer degree of accuracy. We have already observed, that the Company had *forts and factories in India* before the conquest of Bengal; and doubtless these were attended with some, but it is presumed not much, expence to the Company, beyond what were properly included under the head of their *mercantile establishments*. We have also shewn that the Company had *Land-rents, port-duties, and customs*. Neither of these articles are included in them anner above recommended for taking the foregoing account. But as the Company's receipts by *rents, duties, and customs in India* were very considerable, even at an early period, as will appear by the Reports of the *Select Committee* of the House of Commons of the year 1773, and as the extra expences of the *forts* are supposed to have been but trivial, antecedent to the war of 1756, there seems reason to expect, that this part of the computation might ultimately terminate in the Company's favor.

It is well known, that in 1780, an account on the foregoing *datum*, or something very near it, was taken with very great precision by a worthy and intelligent member of the Company, then and still a Director. It was printed and distributed under the title of "*Remarks on the East India Company's Balances in England from their Trade and their revenues*," and the result of it was, that the Company had actually paid on the account of the Territories, more than had been returned from those Territories, by the sum of £.3,622,969, exclusive of interest; and if that account, accurately continued to the present time, were laid before the Public, it would shew that the balance above stated, has been considerably increased, besides the debts still due for the expences of the two last wars. The arguments and observations annexed to the account here referred to, are highly worthy the study and attention of every one who wishes to be informed of the particulars of this part of the Company's concerns.

## C H A P T E R V.

*The Rights permanent or temporary of the India Company.*

**T**O undeceive such as have fallen into the prevailing error, that the Company's *chartered Rights*, their *Corporate Capacity*, and their *Liberty* of trading with a *joint Stock*, are one and all determinable in 1794 (unless their Charter be previously renewed), as well as to evince how far the existing Rights of the Company, over the principal Seats of Trade, and other Settlements abroad, may stand in the way of laying the trade open to individuals with a prospect of success, it becomes necessary to bring into a collected point of view, what those *Rights* are, and to distinguish such as are only of a *temporary* nature and require renewal, if proper to be renewed, from such as are lawfully vested in them *in perpetuity*.

Their *temporary Rights* consist, *First*, of the sole and exclusive Trade with *India* and \* *other Parts* within the *Limits* described in their Charter, so that none other of the King's subjects can go thither or trade there, except it be *by Leave* of the Company.

And *Secondly*, they have the Administration of the *Government* and *Revenues* of the *Territories in India* acquired by their Conquests during their Term in the Exclusive Trade, subject nevertheless to the various Cheques and Restrictions contained in the several Acts of Parliament which vest that Administration in them. These several *temporary Rights* are determinable by Parliament in 1794, under the Notice given *by Order of the House of Commons*, in the Year 1791.

The Rights which they possess *in Perpetuity* are,

To be a *Body † Corporate and Politic*, with *perpetual Succession*.

To purchase ‡, acquire, and dispose at will of lands and tenements in *Great Britain*.

\* "In, to, and from the East Indies, in the Countries and Parts of Asia and Africa, and in, to, and from the Islands, Ports, Havens, Cities, Creeks, Towns, and Places of Asia, Africa, and America, or any of them, beyond the Cape of Good Hope to the Straights of Magellan, where any trade or traffick of merchandize is or may be used or had, and to and from every of them."

† By the Statutes 3 Geo. II. ch. 14.—17 Geo. II. ch. 17.—and 21 Geo. III. ch. 65.

‡ In their Charter of 10 William III. the value in Great Britain was not restricted, but by Act of 3 Geo. II. the value therein is not to exceed £. 10,000 per annum.

To make \* Settlements to any Extent within the Limits of their Exclusive Trade, build Ports and Fortifications, appoint Governors, erect Courts of Judicature, coin Money, raise, train, and muster Forces † at Sea and Land, repel wrongs and injuries, make reprisals on the invaders or disturbers of their peace, and continue to trade within the same limits, with a joint Stock for ever, although their Exclusive Right of trading shall be ‡ determined by Parliament.

Possessed, therefore, as the Company is, of all the sea ports and places of Trade in the East Indies in perpetuity acquired by grants from their former owners, the Native States of India, and held by the best of titles, namely, upon Rights and Powers granted upon formal compacts for full and valuable considerations paid to the Public, and ratified and established by sundry acts of Parliament, it seems evident, that although the exclusive Trade of the Company were to be determined, yet that no private merchant of this or any other country could justify entering any of those ports or places for the purpose of Traffick, but by the Company's permission, unless the Ports and Factories, as well as the Trade, were to be thrown open. This would, however, be an innovation on private rights and private property, of which the records of Parliament afford no instance, except in cases merely municipal, and where their extreme urgency for effecting some great and approved design manifestly tending to secure or promote the general interests of the empire, have impelled the Legislature to the exercise of so extraordinary a stretch of their authority. On such occasions, however urgent or important they may have been, the greatest circumspection has been always used, and care taken, as far as the nature of the case would admit, to affect the private property of the individual, be his condition what it might, as little as possible; and in no case have the applications for such like purposes proved successful, where every party was not consenting, but on the fullest proof and conviction, that the interests of the country required the sacrifice, nor without strict provision being made for giving ample compensation to the owners of the property to be affected, and which it has been the practice to apportion, not merely to its intrinsic worth, but according to that degree of profit which, under all existing circumstances, its exclusive possession afforded, or might in reason be in prospect to afford, to its former proprietors. This salutary principle is so consistent with justice, and the common rights of mankind, and is become so rooted and interwoven by practice into our Constitution, that we may with confidence affirm, it will never be shaken nor departed from by the Parliament of Great Britain. On the other hand, circumstanced as the case is with respect to the importance of the Company's exclusive Right to the Ports and Places of Trade in India, whereby to secure the peculiar advantages they will afford to the Company trading with a joint stock, after the trade of individuals shall be brought in competition and rivalry with them; and when it is considered how vast is the number of persons, Members

\* By the Charter of King William.

† By Acts of Parliament, 27 Geo. II. ch. 9.—1 Geo. III. ch. 14.—and 21 Geo. III. ch. 65.

‡ By the Three Statutes mentioned in Note (†) in the preceding page.

or *Creditors* of the India Company, whose property is embarked in, or collaterally dependant upon the future success of their Commerce; and that many other descriptions of persons are also individually interested in whatever relates to the seats of Trade established with so much expence, and so necessary for conducting it in future, it appears no easy matter to devise any practicable means by which a proper compensation for the privileges to be wrested from the Company, in opposition to their wishes, and so apparently to their injury, can be adjusted or computed; or in what manner, if the *quantum* were fixed, it can be properly paid or raised.

## C H A P T E R VI.

*How far the Appellation of a Chartered Monopoly is applicable to the East India Trade.*

THE appellation of *a chartered Monopoly*, given on various occasions to the East India Company's exclusive Trade, can be meant only to excite popular odium, and bring it into general disrepute. We have, in a former chapter, shewn the origin of the two East India Companies, and that the former held their exclusive trade by the voluntary grant of the Crown, founded solely on its prerogative, while the latter, or present Company, derive their rights by actual purchases from the Public, upon solemn compacts authorized and confirmed by acts of Parliament. True it is, that King William granted a Charter of Incorporation to the present Company: but it was a Charter conceived in the very terms of the agreement previously made with, and ratified by Parliament, and can therefore be considered in no other light, than *as an instrument of investiture*, issued under the Great Seal of Great Britain, in compliance with the letter of the act, in order to perpetuate the agreement, by inrollment (as all *Charters* are, though *Acts of Parliament* are not) upon the public archives of the kingdom, kept in the High Court of Chancery, whereby to establish, more firmly, if it were possible, the tenor of the bargain, the origin of the incorporation, the extent of the rights and privileges meant to be conveyed, and the restrictions with which they were accompanied. In these important respects, did this Charter differ from all others, that it was not only the first ever granted by similar authority, but was free from every legal question which had attached on others, *because it sprung from an act of the British Parliament, and was made in all things to correspond with it.* How far the learned \* gentleman, who, in 1783, made so light of Charters, and of this Charter in particular, by describing it as of no other value or virtue, than so much "parchment with a bit of wax dangling at its tail," had informed himself of these particulars, or whether he really considered (as from the very high opinion we entertain of his virtue and

\* In a debate in the House of Commons on the famous India Bill of Mr. Fox.



integrity, we hope, and believe he did), that the Charter from King William had been a mere gratuitous business, flowing, like many others, from royal bounty, and dependent on the authority of prerogative alone, we shall not pretend to determine; but we may boldly affirm, that the East India Company derive no rights, whatever, under their Charter, other than what they fairly purchased, nor any but such as are sanctioned to them in the most clear and distinct manner by the act of Parliament under which the Charter was made, and those subsequent acts by which the exclusive Trade has been continued to them, upon new bargains with the Public, to this day. And when it is recollected, that the continuance of their exclusive Trade is *not dependent on any Charter* (for they have had none for their trade since 1698), but on † Acts of Parliament only, we cannot but be forcibly struck with the impropriety of this appellation “The Chartered Trade,” as generally applied to the existing exclusive Trade of the Company.

A monopoly, according to its literal, as well as enlarged sense, undoubtedly means the ingrossing and getting into the power of any individual, or of two or more persons combined for the purpose, any particular commodity, whereby to command the time and manner of its sale, and to withhold it from the market, or deal it out at pleasure, at an arbitrary or extravagant price.

Though the spirit of our laws, at all † periods, declared that trade should be free, and forbid all monopolies; yet such was the influence of prerogative, and the submission of the people to it in early times, that it was not until the 21st James I. that all grants of monopolies by the Crown, were declared null and void by statute. And in that act is contained \* a provision that it should not extend “to Companies or Societies of Merchants erected for the maintenance, “encouragement, or ordering of any trade of merchandize.”

What, therefore, constitutes the spirit and essence of a monopoly is, the having the sole command and power over some necessary article or commodity, in the mode of its sale and disposal, by which to enhance the value, and impose on the consumers an arbitrary price. Surely no one will gravely pronounce this sort of monopoly to apply to the Trade of the India Company, either in theory or practice: for so far were the Company from purchasing from the Public, and the Public from granting or legalizing any thing approaching to a monopoly of this kind, that it has, in the most positive terms, enjoined that the sales of goods by the Company should be made openly and publicly by Inch of Candle, or by way of Auction, within twelve months after the importation thereof §. The practice at the Company's sales has ever been strictly consonant to the law; and so far from the Company, or any of the individual members of it, having

† 3 G. 2. ch. 14. s. 10. 17 G. 2. ch. 17. s. 12. 21 G. 3. ch. 65. s. 4.

‡ See Statutes, 9 H. 3. ch. 30. 25 E. 3. ch. 2. 2 R. 2. ch. 1. 11 R. 2. ch. 21.

\* 21 J. 1. ch. 3. s. 4.

§ The Charter limits the lots to £.1,000 in value; they rarely exceed £.300; and abundance of lots are made very small to accommodate Individuals. A further latitude in respect to the time of sale, after importation, was given by an Act of 7 Geo. 1. s. 1. ch. 21. s. 10 and 11.

been monopolizers of India goods to their own aggrandizement, it will be found upon a strict scrutiny of the profit divided amongst them for *four score years past*, that their *dividends*, taken for the average of any reasonable period, have been sometimes *less* than, and *seldom exceeded the legal current rate of interest of money*, computed by the value or market price of their Stock; a fact, which alone affords an unequivocal proof, that what might otherwise have constituted a mercantile profit on the India Trade (beyond the common interest of the capital employed) in the hands of individuals, has been sunk in the reduced prices of Asiatic merchandize, and become a saving to the consumer; and thus have the Public reaped the real profits of the India commerce, whilst all the risque has been sustained by the Company.

There is also some advantage derived from the peculiar nature of the *constitution* of the East India Company, beyond what would result were the Trade in the hands of private merchants. The books are at all times open “for the admission of every description of persons who may desire to become members, and have money to adventure.” It knows no distinction of professions, religions, or even sexes, and in the General Courts there is the most perfect equality: every one present has the same right with another to speak his sentiments, and give his advice. A difference is made only in voting, which, when taken by the holding up of hands, requires £. 500 stock, and when by ballot £. 1,000 stock, for a single vote; £. 3,000 for two votes; £. 6,000 for three votes; and £. 10,000 for four votes; which is the largest number of votes any member is allowed to possess; whilst £. 2,000 stock qualifies any member to become a candidate for the office of a Director, or Chairman. Hence any person without being bred to commerce, who has Money, and chuses to adventure it in this Trade, has the power of doing so.

It is admitted, that the Old East India Company might properly be termed *Monopolists*: for they were under no *parliamentary* restrictions, and in the year 1684, their trade was declared, upon a trial with Mr. Sands, an interloper, to partake of an unlawful monopoly. But it is material to observe, how widely different the state of that Company was from the present. They held their exclusive Trade solely by a *gratuitous Charter* from the Crown. The present Company hold it by *purchase* from the *Public*. The Trade of the Old Company was managed by a small Committee, and the major part of the profits were divided amongst ‡ about forty persons. The Trade is now managed by twenty-four Directors, and the number of registered Proprietors, partaking of the trading capital, is upwards of *two thousand seven hundred*, and the private, or privileged Traders, make at least *three thousand more*, besides those who trade illicitly or clandestinely, and whose number is very considerable, but whose conduct is not often scrutinized, because it might discourage the Trade in Exports, of which illicit adventures chiefly consist: so that we may fairly compute on *five thousand persons* who partake of the direct benefit of the export, and of *the first*

‡ Anderson's History of Commerce, 2d Vol. p. 171.

*returns* of the import Trade from India and China. Besides, the Old Company could hold back their goods from the market, and sell them privately, just as suited their own purposes: The present Company can sell only to the best bidder, and were never known to keep back any goods, when a bidder could be found for them; their sales are constant and uniform; and, above all, the magnitude of the Trade, and the appropriation of its produce, amongst so great a number of persons, must ever secure the Public from every apprehension of its being converted to any of those base purposes, which, by their combination alone, can create the essence of a monopoly.

## C H A P T E R VII.

*Plans formerly recommended for varying the Mode of conducting the Trade to the East Indies.*

**A**MONGST the schemes devised in preference to that of a Joint Stock Company, for securing a beneficial Trade with India, we do not find any one to have been gravely proposed for throwing it wholly open to chance. The only plans that seem to have been thought worthy of serious deliberation, were such as had in view (though perhaps not all on the same model) a Regulated Open Company. Such was *the first Company* established in the year 1600, and such was the *general Society*, both of which we have seen to have grown into Joint Stock Companies. The difference consists in this: In a regulated Company, every merchant qualified according to the Rules prescribed, and conforming to them, may become a member, and may trade with his own separate capital; whereas, in a Joint Stock Company, the whole capital is thrown into one common mass. In the former case, the number of members, and the extent of the trade, are indefinite; in the latter, though the number be not, the extent of the trade is limited by the amount of the joint stock employed in it.

Although no general plan for throwing the Trade open has been suggested, history furnishes us with various instances of attempts made by individuals to trade on their own capitals, with India and China, as well before the institution of the first India Company, as since; but such attempts seem one and all, to have been attended with little better than ruin to the adventurers: and, indeed, when the distance from India, the nature of the intercourse with the natives, and the want of ports and settlements, are considered, our surprize cannot but be excited at the rashness of those who made the trial. The most flattering prospect to adventurers of this description was held out in the time of the Usurpation, when Oliver Cromwell suspended the Trade of the Company, to give to  
all

all persons a fair opportunity of trying the effect of an Open Trade. The experiment ended, as might be expected, in ruin ; and, after an interval of four or five years, the Company were restored, and the unsuccessful adventurers were amongst the first of those, who applied to the Protector for liberty to trade with a Joint Stock. Many other instances might be adduced of failures by private adventurers, but none have come within our observation, that were attended with success. A remarkable instance of the inconveniences with which experiments of this sort have been attended, happened in the reign of Charles II. Many private ships had ventured to trade in India in defiance of the Company, and if some of them found their account in it, a contrary fate attended the majority. Their losses were, however, the least of the inconvenience ; the officers and men conducted themselves with so much arrogance and impropriety, and created such disturbances, as at length to excite the general indignation of the Natives, and draw upon the English in general, the resentment of the Mogul, and other native powers ; who, making no distinction betwixt the interlopers and the agents of the Company, waged war and seized on the Company's factories, and were on the brink of totally extirpating them from India, to the utter loss of the interests of the English nation there : And it was only by the interposition of Government, who sent a ship of war to seize on the interlopers, with a Proclamation to compel them to repair to the Company's factories, and submit to their jurisdiction, that after an interruption of five years, and the incurment of a heavy expence by the Company, the Country Powers were pacified, and order restored.

## C H A P T E R    VIII.

### *The Present State of the Trade of foreign Countries with India and China.*

**T**HE Portuguese, the Spaniards, the French, the Danes, and the Dutch, have all, in their turn, participated in the benefits of the East India Commerce, each of them having obtained from the Country Powers the privilege of a Free Trade, and of making Settlements and Factories on the Peninsula of India, and the Islands contiguous, for the carrying it on. The Trade of the three last named has, for the most part, been conducted by a regular Trading Company nearly similar to our own ; that of the Portuguese by Houses of Trade, or private Companies, and sometimes by rich Individuals, singly on their own Capitals. That of Spain has so dwindled, that of late we have scarcely heard of it. Sweden also has her India Company, so called ; but we know of no Settlements possessed by her on the Asiatic Continent, and her Trade of late times has been chiefly, if not wholly confined to China and other parts to the Eastward of the Ganges.

For some years previous to and until the passing of the Commutation Act in 1784, and for some time afterwards, several of these Foreign Companies partook of the profits derived by the smuggling of teas into this Kingdom, by supplying it either direct from China to Ostend, Dunkirk, and other convenient places, or by selling it to others for that purpose. In consequence of the Commutation Act, and of lowering the Duties on Tea, the India Company were enabled to undersel the smuggler, and in a great degree to put an end to his traffick in that article. Our own regular imports in tea have since become more than doubled in quantity, to the diminution of the Carrying Trade of the *Swedes*, *Danes*, and the India Company of *Embden*, insomuch as almost to annihilate those Companies. That of *Embden*, if not wholly discontinued, is said to be on the eve of becoming so, and another India Company in the Low Countries, called the Trieste Company, has, after very great aids<sup>u</sup> afforded her to support her sinking credit, and after losing or spending her whole capital, intirely stopped trading.

The *Dutch Company* possess not only valuable and convenient Factories, and considerable possessions in India and other parts of Asia, but also the whole of the spice trade, pepper excepted, and were for a long time the envy of their mercantile neighbours. At the commencement of the American war, the Dutch Company were rich, prosperous, and flourishing; but in the rupture of that nation with England the superior power of the latter enabled them to seize their Settlements in India, and interrupt their Commerce, which brought their affairs into such distress, that they must have been utterly ruined, if they had not been supported by loans from the States General to a very large amount, and from that period doubts have been entertained of their ever being able, with all the aid of their Spice monopoly and land revenues in Asia and Africa, to discharge their Debts and restore their Credit.

The failures of successive India Companies in *France* are too notorious to require any particular detail, notwithstanding the advantageous Settlements of *Pondicherry*, the *Mauritius*, and other parts. Their present Company, by confining their whole attention to Trade alone, and by taking part of their supplies for the consumption of France, by purchase of the English Company, have hitherto maintained their ground; but a war must inevitably throw them on the mercy of England.

Besides the Trade carried on by these several Companies (for they were not always in the exclusion of the private merchant), there have been ships fitted out by private Adventurers from *Sweden*, *Denmark*, *Ostend*, *France*, *Portugal*, and *America*. Some amongst them may probably have been gainers; but we know the greater part have been great sufferers, and upon the whole afford an useful lesson to such mercantile speculators if they were wise enough to benefit by the experience or misfortune of others, who have wildly engaged in the distant and hazardous commerce of Asia on small capitals. As to *America*, if we may be allowed to judge by her present slackness in the prosecution of her commerce  
with

with India and China, or by the purchases she has been of late in the habit of making in Europe of Asiatic goods, and the losses she is known to have sustained by her cargoes of tea from Canton of the year 1789, there seems little probability of her carrying her commercial intercourse with those remote regions, at present, to any considerable extent.

## C H A P T E R IX:

*The Returns of the Company's Trade anterior to their acquiring the Territories Abroad; the Effect produced by the Acquisition on their Exports and Imports; the present Amount of their Debts, and their Claims upon the Public for an Indemnification of their Expences incurred in acquiring and preserving the conquered Provinces.*

**A**NTECEDENT to the year 1757, the sale amount of the Company's Imports had rarely, if at any time, exceeded two millions in any one year. Their foreign investments were provided for by sales or barter of their exported goods and bullion, and by money lent them by their servants in India on bills payable in London, which was the old method of remittance of money acquired in the Company's service. Thus we find the annual sales of the imports by the Company for sixteen years next preceding 1757, amounted to about £. 2,055,000 on the average; and that, for the same period, their exported goods and stores amounted annually, at their prime cost, to £. 238,000, and bullion, £. 690,000; and that they paid in discharge of bills of exchange, £. 190,000. If during that period the prime cost of the goods imported exceeded the amount of those three sums, the difference must have been paid by the profit on the sales of the goods exported, and by land rents and customs arising at their principal settlements. During the succeeding ten years, it should seem that the revenues of the new acquisitions afforded no profit to the Company; for though the produce of the sales of imports became increased to the amount of £. 2,150,000 annually on the average, and though the quantity of bullion exported was reduced to about £. 120,000 per ann. yet we find that the exports in goods and stores, and the money raised upon bills of exchange, were increased in a greater ratio, compared with the returns from abroad, the annual amount of each being as high as £. 430,000. From 1767 to 1777, the exports of bullion were about £. 110,000; of goods £. 490,000, and the sums raised on bills £. 458,000 per annum; and by the aid afforded from the revenues, the investments became so increased as to produce about £. 3,330,000 annually. From 1777 to 1784, the average sales of imports, notwithstanding the war, fell off in the proportion only of about £. 200,000 annually; the export in bullion was for that period very trifling; but the goods and stores exported were increased to about half a million, and the money raised upon bills to about £. 761,000 yearly. For  
the

the last eight years, the sale amount of imports has been £.4,768,242 \* annually on the medium; the amount paid for bullion £.560,223, for goods and stores exported £.753,976 †, and for bills of exchange £.1,258,870 per annum. During the last 3 years the Sales have amounted to £.5,094,535; the sums paid for bullion £.464,046, for goods and stores £.952,027, and for bills £.737,465 per annum on the average.

The comparative profits of the Company's Trade were certainly more considerable before they made their conquests, in proportion to the amount of the capital employed, and the aggregate of the Sales of Imports, than at any time since. While their cargoes were less they were purchased at more moderate prices abroad, and came to a more profitable market at home. But, by doubling the Investments in India, as in fact they have been, their prime cost, by the increased demand, became enhanced, while their sale prices at home, by the increased quantity brought into the market, became reduced. The Company had however no choice; the surplus revenue in India could no otherwise be realized at home than through the medium of commerce; and although, on a strict scrutiny, it may probably be found, that many articles from Bengal have not produced in England the amount of their invoice prices and other charges upon them, so that in the hands of a private merchant, a loss would have been sustained, yet viewing the transaction as affecting the community, it will be found that whatever investments were produced from the territorial revenue, were a clear gain. With respect to the Coast Goods, and those from China, they have been chiefly purchased or bartered for as in former times; and by the influx of teas since the Commutation act, through the medium of fair trade, a larger profit has been derived.

The Territorial Revenue, including subsidies and the income of the Company's own property possessed antecedently to the year 1756, may be reckoned at *nearly seven million of Pounds Sterling per ann.* But as the countries can only be governed and maintained, and the revenues collected, by keeping up a large standing military force, and sundry civil establishments; and as experience has proved it to be the best economy to allow liberal stipends to the principal officers and servants, to place them beyond the reach of temptation to do amiss; the net surplus, after providing for all civil and military charges, and paying the annual interest of the subsisting debt, does not exceed, according to a computation laid before the House of Commons by the Court of Directors; the annual sum of £.1,200,000. Be its amount what it may, the Reader may be assured that the specie of India has been so exhausted, that no part of the surplus, whatever may be its amount, can be

\* Exclusive of sales of privileged and private trade, which on the same average amounted to £.755,757 per ann. besides what has been smuggled. For the present state of the trade, in other particulars, see chap. 10.

† Exclusive of private trade carried out in thirty ships, which at £.25,000 each, make £.750,000 a year, besides illicit and clandestine trade by other ships.

brought in specie, nor can it be realized in England otherwise than through the medium of cargoes provided for the China or European markets.

With respect to the debts of the Company, their amount in India appears to be about *nine millions sterling*, and there being *available assets* in India equal to the discharge of something more than *two millions*, there remains about *seven millions* as a charge on the other assets and future revenues. This debt was incurred by war, and stands wholly unconnected with the Company's commerce.

Their debts at home, beyond the value of assets applicable to their immediate discharge, amount to upwards of *four millions*, of which £.3,200,000 is their standing bonded debt, authorized by Acts of Parliament.

We have already taken occasion to observe, that the claim of the Public to the territories in India acquired by conquest, is subject not only to the outstanding demands of the Company's creditors, but also to an equitable claim by the Company themselves. The justice of that of the creditors manifests itself too strongly to require any illustration or argument, and will doubtless obtain from a British Parliament, whenever it shall exercise its wisdom in providing any New System for the future administration of India, a suitable indemnification. The claim of the Company appears also equally intitled to the regard and support of the Legislature, since it is clear and evident, that in consequence of the unavoidable expences they have been put to by the wars in India, their Capital Stock has been twice increased by new subscriptions, as well as their Bond Debt, to enable them to carry on their Trade; at the same time their dividends have continued only at £. 8 per cent.

Under such circumstances we can entertain no doubt but, from the candour and justice of Parliament, the territorial revenues of India will be so appropriated, in any new arrangement that may be made, as to provide for the existing debts abroad, and some reasonable compensation for such part of the debts at home as the Company shall be able to make appear they have disbursed in acquiring and protecting the provinces, beyond what has been produced to the Company from those revenues.



## C H A P T E R X.

*The Nature and Extent of the Trade of the Company to India and China, with an Account of the Shipping employed in it.*

## E X P O R T S.

**W**E had nearly completed the account we intended to have given of the several species, quantities, and values of the goods exported by the Company, when the House of Commons relieved us from that labour, by ordering \* the three very able and satisfactory Reports, lately made on the subject to the Board of Commerce, by the Court of Directors, to be printed. These Reports have also, for their more extensive promulgation, been again printed by order of the Company. We shall therefore avail ourselves of the authentic accounts they contain, by stating a brief recital of their contents in general, but with a recommendation to our Readers to have recourse to the Reports themselves, as containing many matters, omitted by us, regarding the Trade of the Company at large, highly important to be known.

From the first of these Reports we collect these particulars :

That the Bulk of the Exports consists of,

Camblets, cloth, and other woollens; metals (particularly tin, lead, and copper); naval and military stores; and silver in bullion.

That the Company reserve to themselves the exclusive export of cloth, woollens, copper, bullion, and military stores; and also clocks, toys, and other articles ornamented with jewels.

That other articles † exported from hence, are chiefly purchased in India by Europeans for their own consumption, and are carried abroad in what is called

\* 3d January 1793.

† A List of Articles exported in Private Trade.

Anchors,	Canvas,	Copper,
Bar iron,	Cutlery,	Drugs,
Bulgia hides,	Cards,	Earthen ware,
Brandy,	Cordage,	Furs,
Beer,	Cabinet ware,	Glass ware,
Boots and shoes,	Clocks,	Gunpowder,
Brazier,	Cochineal,	Glass beads,
Buntin,	Carriages,	Ginseng,
Block tin,	Carpets,	Grainals,
Cyder,	Cloth cuttings,	Gold thread,
Cherry brandy,	Confectionary,	Gold lace,
		Haberdashery,

called *Private Trade* \*, by the Commanders and officers of the Company's ships.

That besides what are exported by the Company, and the Private Traders, regularly registered, abundance of British goods find their way to India, both by illicit Trade carried on directly from hence, and also by what is termed *Clandestine Trade*, carried on from various parts of the continent of Europe in British ships, under foreign colours.

That with a laudable zeal for the public good, by promoting the extension of exports of British manufactures, the Company have continued to export, both to India and China, large quantities, particularly of woollens, though the sale of them has not produced sufficient to repay the prime cost and all charges †: have repeatedly commanded their commercial Boards in India, to indent for as many as can be sold *without an actual loss*, making these commands in effect *their standing order*: have greatly enlarged the privilege of their commanders and officers, in respect to export goods, making them freight-free; and used, and continue to use, every endeavour to open new channels for the introduction of British goods in various parts beyond the peninsula of India; the result of which, as far as can be yet known, is given in these Reports: And it may be fairly inferred, that the Company's warehouses in *Bengal, Madras, and Bombay*, are always supplied with *more woollens* than can be sold to a profit, from the circumstance of there having been great numbers

Haberdashery,  
Hats,  
Hosiery,  
Hardware,  
Ironmongery,  
Lines and twine,  
Lead shot,  
Millinery,  
Mathematical, and musical instruments,  
Manchester goods,  
Mustard,  
Orfildew,  
Oil,  
Perry,  
Painter's colours,  
Plated ware,

Plate glass,  
Perfumery,  
Pickles,  
Prussian blue,  
Prints,  
Quick-silver,  
Rum,  
Red lead,  
Remnants of Cloths,  
Snuff,  
Sadlery,  
Steel,  
Sheet lead,  
Smalts,  
Sword blades,  
Stationary,  
Ship-chandlery,

Turnery,  
Tin ware,  
Pig lead,  
Rod iron,  
Tin plates,  
Wine,  
Wooden toys,  
Window glass,  
Wrought plate, and  
White lead.

And to China,

Skins, and furs,  
Jewellery, toys, watches, some  
woollens, and silver.

\* The Company may lawfully licence whom they please to trade in the East Indies. The officers and subordinates of their ships, being *Thirty* in number for every ship, are allowed the benefit of it, both in Export and Import, according to their different ranks or births. This is called *Private Trade*, and what they pay for this permission, and in lieu of freight, is called *Company's Duties*, and forms an article of the Company's profits. The servants abroad are also frequently permitted to remit home their fortunes in merchandize, for which they pay a freight to the Company. This latter Trade is distinguished from the former by the name of *Privileged Trade*.

† The loss by woollens from 1784 to 1790, exported to India, after allowing for all charges of freight, insurance, interest of money, &c. is computed £.37,790, and the loss on those exported to China at £.61,877 in the same period.

of bales of different sorts, remaining at all times in each of those warehouses, for want of purchasers, the total value of which in 1789-90 was £. 167,761 †.

The Report on the India Trade, does not give the particulars of all the Exports of the Company thither, but of *woollens and metals*, and such part of the Private Trade as is registered. It does not give the quantity or invoice of naval and military stores; sent either as merchandize, or as supplies for the navy, army, and garrisons abroad; nor of what may be taken thither from Europe illicitly or clandestinely, beyond what is registered: it is admitted, that the excess is so different in every ship, and so fluctuating, as to baffle all computation. We are however, by other authentic documents \*, enabled to state, that the prime cost or invoice of goods and merchandize of the growth, produce, or manufacture of Great Britain and Ireland, annually exported to India and China, by the Company alone, including naval and military stores, which are also of our own manufacture, taken for the average of the last six years, have amounted to upwards of £. 900,000 per ann. *exclusively of bullion*; and that the export of goods to China, in barter for teas, has in that period been greatly increased, while that of bullion has decreased in an equal or greater proportion; and it is computed that the Private Trade, registered and not registered, has amounted, for the same period, to £. 750,000 per ann. at the least, taking it only at the low computation for thirty ships annually, of £. 25,000 each; so that the exports of British goods to India and China may be computed at £. 1,650,000 per annum.

### I M P O R T S.

THE goods imported by the Company from *India* consist chiefly, of muslins, calicoes, and other piece-goods †, raw-silk, cotton, indigo, pepper, salt-petre, opium, and various sorts of drugs; and from *China*, tea, coffee, and japan and China ware: other articles are doubtless brought both from India and China, but they are of a trifling comparative value: *Sugar* has occasionally been imported in small quantities, but it has been the policy of Government, in order to discourage (as it is thought) the introduction of sugar from the East Indies, as an article either of commerce, or for consumption, to the injury of the *West India* Planters, to lay a protecting duty on it of £. 37 16 s. 3 d. at the selling price, while the *West India* sugars pay only after the rate of 15 s.

‡ The First Report is confined to the Trade with India; the Second, to that of China; and the Third, to Japan and Persia. In the two last are contained connected narratives of our commercial intercourse in those parts, the nature and extent of our trade with China, and the delicate footing on which it stands; with Remarks, shewing the dangerous tendency of making new experiments with the Chinese: And in the third Report are shewn the difficulties which obstruct the extension of British commerce with Persia and Japan.

\* Accounts presented to the House of Commons in February 1793.

† *Wrought Silks, Bengal Stuffs mixt with Silk, or Herba, and printed Calicoes*, brought from *India, China, or Persia*, are prohibited from being worn in Great Britain. But they pay a duty, though they are again exported. The importation of *Thrown Silk* is also prohibited.

per

*per one hundred weight.* This difference in the duty at the present enhanced price of sugar, with the high freight paid by the Company on their Bengal ships, virtually destroys all competition, and amounts in effect to a prohibition: Otherwise, it is asserted that, Bengal alone, might, in a few years, be made to furnish far more sugar than would supply our own consumption; and that, setting aside the duty, the sugars of the East Indies might be imported, both for consumption and exportation, to the profit of the importers, and reduction in the present enormous price of that useful, not to say necessary article of life. But if any great quantity were to be brought from Bengal, until produced by new plantations, it would doubtless be felt by the Natives as a grievance, depriving them of a principal means of rearing their children, whose support, while young, depends very greatly upon the sugar-cane.

To shew the *immense gain* derived to this Country, by the import trade of the East India Company, (a gain which disseminates itself through every branch of manufacture, and affords, in all its consequences, a constant employment to some thousands of our valuable artificers and workmen,) we will endeavour to state the whole in as clear a point of view as possible, taken on the average of the years 1788, 1789, and 1790, and also on the average of the years 1791, 1792, and 1793, giving distinctly the totals of the sums paid by the Company for prime cost, and the customs and excise thereon, and the freight and demurrage, and charges of merchandize, with the total of those articles collected; and lastly, the amount of sales for the same period. But it must be remembered, that though the gains to the community may be computed from this datum, those of the Company cannot, as they depend on various circumstances, which require a distinct investigation.

*Average of the Company's own Trade, from 1st March 1787, to Ditto, 1790.*

Invoice, or Prime Cost abroad.	Customs.	Freight and Demurrage.	Charges of Mer- chandize.	Total.	Amount of Sales.
£.	£.	£.	£.	£.	£.
2,547,848	521,883	736,275	270,675	4,076,681	4,511,262

*Average of the Company's own Trade, from 1st March 1790, to Ditto, 1793.*

£.	£.	£.	£.	£.	£.
2,550,728	612,231	717,453	306,185	4,186,597	5,103,094

N. B. The Company do not insure their Ships or Merchandize, and therefore no premium of insurance is included in the charges of Merchandize, nor any interest for the capital employed.

To

To the preceding are to be added the imports on the *Private* and *Privileged* Trade. The freight and demurrage, and charges of merchandize are included in the above account. Their prime cost can be known only to the parties concerned; but their sale amount, and the customs paid, taken on the average for the following periods, were as follows :

	Customs.	Sale Amount.
	£.	£.
The annual average of Private and Privileged Trade, } from 1787 to 1790, being three years, was . —	150,482	855,796
Ditto from 1790 to 1793, average of three years,	100,873	773,376

Besides the duties of customs contained in the above accounts, the following further duties were paid, amounting, on the average of each year, taken for five years from 1st March 1787 to ditto, 1792, to the sums following :

Excise on Arrack, &c.	Inland Duties on Pepper con- sumed in Eng- land.	Customs and In- land Duties on Tea and Coffee.	Customs on Wines.	Totals.
£.	£.	£.	£.	£.
81,765	14,930	334,960	6,894	438,549

The whole average amount of the customs, and inland duties on the import trade of India and China to Great Britain, may therefore be fairly estimated at £.1,050,000 per annum, and the sale amount thereof at £.5,850,000 per annum. It is computed, that the sale amount of the Company's own imports, for the current year, will amount to 5½ millions.

The duties, however, here stated, do not wholly stop at the Exchequer. A great proportion of the merchandize from India, and probably about one tenth part of the tea imported from China, is exported to Ireland, and foreign parts; the drawbacks and bounties on which, considerably diminish the amount of the duties paid by the Company on their importation. It would, for many obvious reasons, be extremely difficult, if not impracticable, to discover with exact certainty, the nett amount of the duties on the merchandize of India and China, which has remained after those deductions. An account  
of

of this nature was made for the year 1788, and by an actual and very laborious collection from the books of the custom house, it was computed that out of £. 750,000 paid by the Company for customs, on the imports sold at their sales, £. 330,000 had been repaid for drawbacks and bounties\*. We are not, however, to conclude, that either the revenue or the country are ultimately injured by the diminution. The export of India goods forms no inconsiderable part of our carrying trade to other countries, giving additional employment to our shipping, and affording commercial profits to our merchants, who, in return for the India goods exported, bring other valuable commodities, sufficient to return in customs, a sum probably equal to that, which may have been paid in drawbacks and bounty. Other advantages also result to the dealers, and others, by the profits on the re-sales, by carriage and agency; and the Port of London being thus made the chief depôt for the supply of Europe, and of many parts of Africa and America, of the merchandize of the East, is necessarily resorted to by foreign merchants for its purchases, who, at the same time, buy various commodities of our own manufacture, which would probably not otherwise have been called for, by all which the national prosperity is promoted.

#### S H I P P I N G.

NINETY-TWO Ships are at this time employed by the Company, abroad and at home, in the Carrying Trade to India and China, the measurement of which is 81,179 Tons. The average complement of Officers and Subordinates is 30, and of Seamen 100 for each Ship, making 2,760 Officers and Subordinates, and 9,200 Seamen. Besides these, the Shipping employed in the Asiatic Seas, in what is termed "*the Country Trade*," is very considerable. The Reader will readily conceive, that to keep so numerous a Fleet of large Merchantmen afloat, for such long voyages, must create employment for a vast number of artificers in various branches of trade, and also occasion the consumption of a great quantity of materials manufactured and unmanufactured, not to mention the expences of victualling, &c. The extent of the employment it affords, and of the materials it consumes, may be estimated by the amount already given, of what has been paid by the Company under the head of Freight and Demurrage.

\* It may be taken for granted, that, upon the average of five years, the annual returns of duties in drawback and bounty, are equal to two parts in five of the whole amount of customs and inland duties paid on East India and China goods.

Since the former Edition of this Tract, we have been favored with a most comprehensive and satisfactory detail of the sales of the Company's imports, including private Trade, the quantities thereof exported, and the quantities retained for home consumption for four years, with the totals of the drawbacks. A paper so useful, and coming as it does from the most respectable authority, cannot fail of being highly acceptable to the reader; we have therefore given it a place at the end of these sheets. To this the Public are indebted, as indeed they are to the many improvements introduced in the mode of keeping the accounts of the King's duties, by which alone satisfactory information on similar subjects of intricacy can be obtained, to the zeal talents and assiduity of Mr. Irving, the Inspector General of the Customs.

In bringing forward the foregoing Statements of the Import and Export Trade and Shipping of the India Company, which, it is trusted, will stand the test of the strictest scrutiny. The Writer is not influenced by any selfish or partial motives, but purely by a desire of communicating to his Readers a faithful account of the nature and extent of this branch of British Commerce, that every man, by knowing its nature and magnitude, may be properly impressed with a just estimate of its immense value and importance, in whatever view it be considered, whether as furnishing a regular permanent supply of raw materials for our Manufacturers, and a uniform annual export of their productions, or as affording constant employment and livelihood to a considerable proportion of the inhabitants of this country, or as aiding our public revenues and the Carrying Trade of the country in re-exportation to Foreign Parts, and furnishing various articles of comfort and luxury to all ranks and degrees of people, of the production of the East, at reasonable prices; from which it is easy to perceive the necessity there is for the greatest degree of circumspection being used in the introducing of any Change of System, which might hazard the loss, or divert the channels of this very valuable and important branch of British Commerce.

## C H A P T E R   X I.

*Respecting the Profits derived by the Company from their Trade.*

**T**HE accounts which have been published do not furnish the means of computing, with any degree of accuracy, the Profit and Loss upon *the Export Trade*. This defect is occasioned by the merchandize being blended with military and warlike stores, and the want of a specification what part of the stores was sold or what part of them was converted to the use of the forces and garrisons. The charges of merchandize are also blended with the expences of raising and maintaining recruits, and conveying them to India; and with gratuities, pensions, law charges, and other disbursements of various kinds. In the year 1780 it appeared, that the Export Trade, and the Company's duty on Private Trade, had, upon the medium for some years before, cleared a profit equal to an annual dividend of £.2 12s. 6d. per cent. on the old capital of £.3,200,000; the profits derived by the Exports to China\* since that time have not been ascertained; and with respect to the Exports to India, it may be doubted if they now yield any real profit. For although warlike stores, and metals, ammunition, and other articles, produce something considerable, that profit is, in a great degree, if not intirely absorbed in the losses on other goods, damages and charges of merchandize, and interest of the money paid on the outfit.

\* The profits on these have been computed at £.65,000 per annum.

Of the † *Import Goods* from India and China for the years 1791, 1792, and 1793, the produce of the Sales appears to have exceeded the invoice thereof, with the customs, freight, and charges of merchandize paid thereout, by £. 2,749,491, the yearly average whereof is £. 916,497.

The next article of profit arises from a duty so called of £. 5 per cent. which the Company are authorised by law † to take towards the expences of supporting the Factories, maintaining Ambassadors, &c. in India, on the value of India Goods imported by the *Private Traders*. The *privileged* as well as the *private Trade* of the Company's Officers pay this duty, and also 2 per-cent. more *ad valorem* for warehouse room and in lieu of other charges of merchandize on these goods, and the *privileged Trade* pays the Company at the rate of £. 15 *per ton* homeward for freight and demurrage; from hence the Company derive about £. 70,000 a year, besides the £. 15 *per ton* for freight, and although the sum produced may in appearance form part of their mercantile Funds, as an article of profit, it has not in reality a feature of real profit in it; because if the private and privileged Trade were to be charged with a due share of the expences of supporting the Settlements and Ambassadors abroad, and warehouses, &c. at home, apportioned by its amount *ad valorem* to the Company's own Trade, the Sum falling on the private and privileged Trade would be much larger than it is\*. And it is owing to the manner in which this duty making 7 per cent. is charged in the Company's Accounts, that gives it the appearance of a profit, when in reality it is only part of the sum charged against their own Trade, under the heads of Freight and Charges of merchandize, and ought more properly to be subtracted from them. We have been thus particular in explaining the nature of this duty, because the custom house officers have complained of it as holding out an additional temptation to the smugglers of private Trade, to avoid the customs and this duty likewise. And we must confess, that if the private and privileged Trade were to be charged, in lieu of freight and other charges, a duty of tonnage, which should not depend as the Company's duty now does upon the actual lodgment of the goods in the Company's warehouses, the excitement to running the goods would in some degree be lessened.

The only further article of profit at home is the unfold part of the Company's *Annuity* from Government, and the Allowance for Management, making together £. 37,913 16 s. per annum.

The *old Settlements* of the Company in India properly form a part of their Commercial Estate. But the revenues of them, since the obtaining the Dewannee of Bengal, have been so blended with those of the Dewannee, and other conquered or ceded territories, as to make it impracticable, to state what they amount to at present. It does, however, appear, by the printed Reports

† Printed Papers, No. 28.

‡ By act 9 & 10 W. 3. ch. 44. s. 76.

\* The Commercial Charges, at the several Settlements in India, amount to 8 per Cent. on the Cost of the Investment; and the Charges of Merchandize at Home to 6 per Cent. on the Sale. Printed Accounts No. 3. & 4. of 20th February, 1793.



of 1772 and 1782, made by different Committees of the House of Commons, that the Company's *own landed Property, Customs and Port Duties*, produced so late as 1780, a gross revenue of at least £. 590,000 a year, from which there must be deducted £. 70,000 a year paid to the *Soubah Nizam Ally*, for the rent or Farm of the *Circars*. Supposing these possessions were to contribute to the general expence of the Empire in India, on a proportionate footing with those of the Company and of Arcot and Tanjore, there would still remain a very large annual income from them, probably to the \* amount of more than *four* per cent. per annum on the Capital Stock of *Five Millions*.

The result of the enquiry into the annual profits of the Company appears to be, that, with a temporary use only of part of the surplus of the public Revenue of Bengal towards the purchase of their goods, the Company are in possession of a yearly income derived by Commerce, and by Rents and Customs, as follows :

The profits by import goods from China and India	—	£. 900,000
By the contributions of Private and Privileged Traders, towards }		
current expences	— — — — —	70,000
By their annuity from the Public for their unfold part of the }		
debt of £. 4,200,000	—	38,000
And by rents, customs, and port duties in India, at the least		250,000
Total per annum		£. 1,258,000

\* Third Report Committee of Secrecy, 1772, p. 61. Company's Lands and Customs possessed before 1757, produced in ten years (as follows):

Bengal	—	—	—	—	£. 235,882	} Clear of Charges of Collection, Commission to Servants, Jagheers and Stipends.
Madras	—	—	—	—	641,440	
Bombay	—	—	—	—	565,075	
Bencoolen	—	—	—	—	21,457	

1,463,854

The annual average	—	—	—	—	£. 146,385
Purgunnahs, fourth Report, 1772, p. 100	—	—	—	—	115,000
Four Northern Circars, six lacs pagodas, fourth Report, 1782, p. 19	—	—	—	—	240,000
Add Guntoon Circar, at nine lacs of rupees	—	—	—	—	90,000

Deduct the rent to the Nizam

Remains 591,385  
Suppose expences of all sorts — 271,385

Nett — £. 250,000

Which

Which income (except the temporary use of the sum necessary to be realized in Great Britain for the benefit of the Public, through the medium of the Company's Commerce) is unconnected with, and independent of, the Dewannee revenues of Bengal, Bahar, and Orissa, and the new acquisitions from Tippoo Sultaun in the Carnatic, all belonging to the Public; and the only deductions to be made from it are, the interest on the bond debt, and on bills of exchange and occasional loans, and such other articles of disbursement, as have not been already placed under the head of Charges of Merchandize, the whole of which cannot exceed, communibus annis, on a very liberal estimate, £.200,000 per annum.

We are unable to state with certainty the profit on goods exported to China; it must, however, be observed, that the amount of that profit can be realized only by the sales of the Teas in England; although it has been estimated that there is a profit on the sale of those exports of £.65,000 a year, nothing is included, on that account, in these statements, there being no official document to refer to.

## C H A P T E R XII.

*A concise View of the Company's Affairs, in their distinct Capacities of Sovereigns and Merchants.*

ON the Compact\* of 1781 for enlarging the term in the exclusive Trade, the funds arising by the *net surplus of the Territorial Revenues and profits of Trade*, after payment of a dividend of 8 per cent. to the Proprietors of India Stock, were to be applied, *three fourths* to the Public, and *the remaining fourth* to the Company. By the continuation of the war, and the increased establishments, civil and military, in India, between 1779 and 1782, those funds fell greatly deficient to defray the expences. In 1783 the Public agreed to forego any participation of the above funds until certain debts should be discharged; and by the *Relief-Act* of 1784 the participation, as settled in 1781, was to be resumed, as soon as the debts therein specified were paid, and the bond debt reduced to £.1,500,000. The Peace with Tippoo Sultaun was not concluded till March 1784, and it was a considerable time after the treaty before the troops were completely reduced to the peace establishment, and properly stationed. It has since proved, that if the whole of the debt incurred by the war, beyond the revenues which had been received, could have been brought forwards at an early period, they would not have fallen much short of *Eleven Millions*. Upwards of *Four Millions* of it have been since discharged or transferred home, and from the accounts lately printed by order of the House of Commons, it may be

\* Acts 21 Geo. III. Ch. 65. — 23 Geo. III. Ch. 83. — 24 Geo. III. Ch. 34.

collected, that after allowing for the cash in the treasuries abroad, and bills of exchange due, and such other assets as may be deemed good and available, there will still remain a debt of upwards of *Six Millions*, besides £. 1,384,050 due on bills granted on account of the India Debt upon the Company at home, including interest thereon, to March 1794. The *Political or War Debt* of the Company remaining to be paid, or provided for, may therefore be taken at about *Seven Millions and an Half Sterling*. From the Circumstance of the Paymaster of the Forces laying before the House of Commons an || Account of sums advanced relative to the Forces of His Majesty serving in India, it is not improbable but the debt will be increased by the Demands of Government under that head. The total of the sums advanced on this account, for four years, is £. 258,994.

The Commercial Assets in *India alone*, without taking into the account the value of *Stores*, or *Sums* owing to the Company of a doubtful nature, appear to exceed their *mercantile debts there*, by One Million Sterling or more, and the balance of Assets in their favour in China is £. 770,000. Their bond debts, and other debts at home relating to their trade, amount to about £. 6,250,000. Their available Assets in merchandize and good debts, including the unfold part of their annuities, to about £. 8,500,000, leaving an overplus of £. 2,250,000, which, with One Million of Assets in India, and the £. 770,000 in China, makes a balance in favour of the Company, after providing for their *Commercial Debts*, of £. 4,000,000 towards securing their Capital Stock of Five Millions.

In addition to this sum, the Proprietors of India Stock have the following further security for their property, viz.

1st. The Military Stores abroad, valued at £. 980,910 \*.

2dly. The Buildings † and Fortifications at the several Settlements, including St. Helena, which appear to have cost the Company £. 7,320,559.

3dly. In Plate, Household Furniture, Plantations, Farms, Slaves, Sloops, Vessels, and Stores, in India, £. 1,091,705 ‡.

4thly. All their Landed Estates and Customs, (viz.) : Calcutta and its Purgunnahs, Madras and its Jagheer, the Five Northern Circars, the Islands of Bombay and St. Helena, Cuddalore, Pinang, and Bencoolen, producing a gross income § of £. 520,000 a year, or £. 400,000 a year net income, being at least £. 250,000 a year after allowing its due proportion for the general defence, as before stated.

5thly. The Produce of the Cargoes of the India and China Ships already cleared from England, beyond their prime cost.

|| Printed by Order of the House, the 12th February 1783.

\* Printed Papers, House of Commons, No. 2.

† Stock by Computation, No. 17.

‡ Ditto.

§ Ditto.

6thly.

6thly. The produce of the Cargoes above their invoices, which shall hereafter arrive from India and China.

7thly. The India-House, Warehouses, and other Buildings in London, valued at £. 355,780 †, and their Ships and Vessels, valued at £. 37,050.

Lastly. The Sum on Balance, justly chargeable to the Use of the Company on the *Derwannee Revenues* in India, which shall be found to have been paid by them out of their Commercial Funds, beyond what has been produced from the *Derwannee Revenues*.

### C H A P T E R XIII.

*Recapitulation of the present State of our Trade with India and China, and the Rights of the East India Company. The Nature and Grounds of the various Objections expected to be made in Parliament, to the Continuation of the Trade on its present System. Reflections on the Effects of Innovation.*

**A**T a time when the Company are threatened with a serious opposition to the continuance of their exclusive Trade with India and China, it is of importance, that not only the Members of the Legislature, but every individual in society, should have a competent knowledge of the nature and extent of the Company's acknowledged Rights, and the manner and authority, whereby they were obtained and are upheld, and, above all, of the extent to which their Trade has become advanced, that it may be clearly seen how far the interests of the Nation are more immediately concerned in its support, or connected with it. It was to that intent that we have gone into the detail; and we shall beg the indulgence of our readers, while we endeavour to bring the whole into a concise, but more connected view, conceiving that a concern so momentous and weighty cannot be too well understood, or too firmly impressed on the mind.

The Rights of the Company are held under the immediate authority of Parliament, and embrace all those of the Old Chartered Company, which subsisted from the year 1600 to 1708, when they became vested or absorbed, with all their Fortresses, Settlements, and Factories, and other property, real and personal, in the present United Company, (their body politic, and their power of converting the Trade into a mischievous monopoly excepted). They are a perpetual Corporation; and although their exclusive Right to the Trade, and their power of administering the government and revenues of India, were to be determined (both which it is in the power of Parliament to do after March.

1794), they would still remain an incorporated Company *in perpetuity*, with the exclusive property and possession of *Calcutta, and Fort William, Madras and Fort St. George, Bombay, Bencoolen, and St. Helena*, and various other Settlements and landed Estates in India, and also a right of trading thither, *with a Joint Stock*, together with all their repositories and other conveniencies adapted to their commerce, and the preservation of their merchandize, both abroad and at home. The only privileges they can be constitutionally deprived of, are those of trading *to the exclusion of others*, and of governing the countries, and collecting and appropriating the *revenues* of India. Whether, in the event of the *Free Trade* being determined, individuals would be able to carry on a successful trade to India, if the Company were to debar them the use of their *Ports and Factories*, may require a serious consideration.

The exports of the Company in woollens, metals, warlike stores, and other goods, of the growth, produce, or manufacture of Great Britain or Ireland, have gradually increased since 1757, from £.230,000 to 900,000 a year, and the private trade is computed at £.750,000 more, making together £.1,650,000. Great exertions have been made, and are still making, to open new channels in the Eastern Seas for a further increase of exports of our manufactures. The imports have been extended in a greater proportion than the exports. Before the year 1757, the sales of imported goods produced only about £.2,000,000 a year; and in 1767, not more than £.2,300,000 a year including the duties on teas. During the last eight years the imports have amounted to nearly *five millions* a year, exclusively of those duties, besides Private Trade, which has produced £.800,000 per ann.; and this year the Company's sales are estimated at \* upwards of 5  $\frac{1}{2}$  Millions, exclusively of all private and privileged Trade. The annual payment to ship owners, for freight and demurrage, have been extended in an equal proportion; and on a yearly average for the last four years, it has exceeded £.800,000 a year, and other charges of merchandize paid to individuals have exceeded £.360,000 a year. The gross annual amount of customs and excise on the goods imported by the Company's ships, including the Private Trade, has exceeded £.1,000,000 a year, and though probably £.400,000, or £.430,000 a year of that sum has been repaid in drawbacks and bounties, on the exports of goods, partly unmanufactured and partly manufactured in England with the raw materials of India, it hath been amply repaid to the Community by the employment afforded to our own manufacturers, by the gains made by exporters and dealers, by profits arising from carriage and agency, by the means to which the exports from hence of Asiatic merchandize have contributed, towards securing the general Balance of Trade in our favour; and, lastly, by the returns brought back of valuable articles of merchandize, liable to customs and inland duties.

\* Printed Paper, N<sup>o</sup> 10, computes the sum to be received by sales between March 1793 and March 1794 at £.5,400,000. The sale amount cannot therefore be estimated at much short of 5  $\frac{1}{2}$  Millions.

The British shipping employed at this time by the Company, exceeds 81,000 tons; the number of ships is ninety-two; their whole complement in officers and subordinates 2,760, and of seamen 9,200; of the latter, not less than 7,000 are in constant employment.

Each of these officers and subordinates has a limited privilege of trading, both outward and homeward, according to their rank or birth in the ship, and their number being added to the Proprietors of India Stock, (consisting of more than 2,700 persons) and to the servants of the Company abroad, who have also indulgences of trading, the whole number of persons, who participate directly and immediately in the India and China Trade by the Company's ships, may be fairly computed at 6,000; and whilst this immense Trade has been maintained and supported at the sole risk of the Company, whose Members have received no other benefit, than moderate interest for the capital employed, the Public have derived, in direct revenue, and in various different shapes, every other \* species of profit and advantage produced by it.

The superior advantages resulting from the system of regularity, established for the conduct of the Company's Trade, over a loose precarious outfit, are also numerous. The demand for manufactured goods is regular and uniform, affording constant work to the hands employed in the making of them. Those, with whom the Company have dealings, are certain of liberal treatment, and punctual payment. Tradesmen, artificers, and manufacturers, emulate for their custom. The number of families in London and its environs, whose whole support is dependent on the Company's Trade, is great beyond conception. Their mercantile establishments in England and Abroad, though conducted (if we except the article of freight) upon strict rules of economy, are immense. The India House, and their numerous warehouses, are filled with persons bred up to the business from their infancy; and if they were to be deprived of it, the greater number, men of respectable characters and irreproachable conduct, must be reduced to want or distress. It would be almost endless to enumerate the tradesmen, artificers, and others, who, by the means of this regular, and as it were, fixed trade, earn and obtain honest livelihoods in building, rigging, and careening of ships, and furnishing guns, anchors,

\* The Company's profits by a dividend of eight per cent. on a capital of five millions, is per ann. £. 400,000 only.

Paid to the merchants and ship owners on an average of five years	800,000
Paid for charges of merchandize ditto ditto —	360,000
Paid for export goods sent abroad, including Private Trade —	1,650,000
Paid for customs and excise on an average of four years —	1,060,000
Annual benefit to the nation —	<u>3,870,000</u>

Exclusively of the advantages derived by the raw materials of India manufactured in Great Britain, and the profits by exporting India and China merchandize.

timber,

timber, iron, sails, cordage, and various other sorts of implements and tackle used therein.

Well calculated, however, as the present system may appear, for securing a continuance of the advantages, we have endeavoured to describe, the Company, when they come to Parliament with their Proposals for an extension of their term in the exclusive Trade, will probably find themselves surrounded by many opponents, and on various grounds. Merchants and ship owners from different quarters, but more particularly from the Out-ports, may urge, that their exclusion from a participation in the benefits of the Asiatic Trade, is repugnant to the spirit of the British constitution, which declares, that the seas shall be free and open to all; and that it is highly injurious to the commercial interests of the rest of the Three Kingdoms, that this Trade should be limited, in all its imports and exports, to the metropolis alone. Manufacturers of various descriptions may think it for their interest, to unite their support with the merchants, on these general and plausible grounds, for an Open Trade. They may likewise, according to their different views of aggrandizement (in the event of the failure of their most favourite plan) insist on the justice and expediency, of laying the Company under various restrictions and prohibitions. The cotton manufacturer may be anxious to destroy all competition and rivalry to his trade, both at home and abroad, more particularly in the article of muslins; to what extent he will claim or expect this indulgence, whether to the putting a stop to the making of muslins in India, or only a prohibition against their being worn in England, time will discover. The woollen manufacturer may complain of the partiality, which he experiences (a partiality inseparable from an exclusive Trade), by the option it leaves in the conductors of it, to deal with particular customers to the exclusion of others. The ship owners may, on similar grounds, revive their complaints, and urge the propriety of laying the Company under an obligation, to charter their ships according to the lowest offers. And as the Company, like other exporters of woollen cloth, are in the habit of buying it, in an unfinished state, and employing pressers and packers to perfect it, the manufacturers of it may possibly think, that the Company ought to be restricted, in that respect, in order to add to his profits, those of the packer and presser. The tin merchant, and miners in Cornwall (regardless of the services so recently afforded them, through the medium and at the risk of the India Company, whereby alone their distresses could be effectually\* relieved), may think it but a small and reasonable sacrifice, for the Company to make in their favour, to be laid under an obligation, to purchase and export all the tin they may raise, at some fixed price, or in the alternative, that the ships of individuals may be licensed to take it abroad, and barter it for teas and other China commodities. Other descriptions of persons, on similar grounds of profit and aggrandizement, may, in like manner, come forward, and urge pretensions for

\* Alluding to the immense export of Tin by the India Company to China at a time when most of the miners, for want of employment, were in great distress, and the repositories of the tin merchants filled with tin without any prospect of their finding purchasers for it.

other regulations or restrictions, not yet foreseen. We know, by every day's experience, that nothing is more easy than to procure hands to Petitions, and when presented to Parliament, the petitioners have, one and all, a right to be heard, and have an equal claim to its patience, its candour, and its justice; nor can any doubt be entertained, but their petitions, and the proofs they shall adduce, will have every consideration paid to them, that may be found due to their merit.

On the grand point, that of opening the Trade altogether, we have as yet seen no specific well digested plan offered to the public eye. It, however, can hardly be supposed, that even the most zealous advocates for a new system, can be desirous of seeing the present mode of conducting the Trade determined, and the future Trade left to *hazard and chance*. A measure more preposterous and absurd, nor any so fraught with ruin and mischief to the general interests of the empire, as affecting the *political*, the *mercantile*, and the *financial* concerns, both of *Great Britain* and *India*, could not be devised or imagined by an enemy to both. A new exclusive *Joint Stock Company* (without adverting to the consideration, whether any better than the present could be framed) could not, we think, be established, but in direct subversion of those principles of justice and public œconomy, which, by analogy to other cases, where the property or interests of individuals are made to give way to the accomplishment of great and important designs, essential to public convenience and utility, have ever guided and governed the conduct of the British Senate. To such as may contemplate a new *Joint Stock Company*, it may be asked, if the public purse can be made chargeable for the value and amount of the property and immoveable effects of the present Company, abroad and at home? Or, can a new subscription be expected to succeed equal to the amount both of their *Value* and *Capital* necessary and sufficient for a trading Stock? And, how or by what *Tribunal*, or after what *Datum* shall a *Value* be fixed on the antient possessions and estates of the Company in *India*, and on those *indefinite Rights*, which must unavoidably be made to cease, upon the creation and investiture of any new exclusive *Joint Stock Company*; and in what respect have the present Company so forfeited that preference to the public favour, which their long possession of the Trade, and the services they have rendered to the community, seem so justly to intitle them to, if they shall be desirous of continuing it; subject, however, to any further regulations and restrictions, which may be thought needful, and not being degrading to the character and pre-eminence, they have so long held and supported in *India*?

With regard to a regulated Company, unless it were known on what principles it were intended, and whether to the exclusion of the present Company, or for the purpose of rivalry and competition, it would be premature to offer any remarks upon it.

We have hitherto confined our observations to what has relation only to the Mercantile Character and Concerns of the Company; but in deciding on the expediency



expediency of the question, whether any change or innovation (beyond mere matter of regulation) can with safety be adopted, it is essentially necessary to inquire, in what degree it might have a tendency to shake Public Credit, by rendering the revenues derived from the Trade of Asia precarious and uncertain. At present, as far as the Company's *own merchandize* is concerned, the Duties and *Customs* have been and will doubtless continue, secure from all possibility of fraud. By a few wholesome provisions, the Duties on the *private* and *privileged Trade*, we think, may be equally protected. Some of the most valuable of the articles, and on which the Duties are highest, lie within so narrow a compass, as to make them easily portable; and if the fact be true (as it has been alleged and is generally believed) that a major part of these articles, and often others, though more bulky, are clandestinely imported from the Continent, by which the Public are defrauded of duties, to a large amount, it must be left to our Readers to judge, what pernicious effects might not be produced on the Revenue of Customs, if the Trade was to be so far laid open, as to admit of the landing the goods of India and China at any of the ports of Great Britain or Ireland, at the option of the owner or master. Under any other mode<sup>s</sup> of Trade, whether open, or under a regulated Company, there seems to be but one way of guarding against this evil, and in that the remedy would probably be deemed worse than the disease. It is by lowering the duties, so as to render them unequal to the risque and insurance of the smuggler. This, however, might obviously defeat the very intent of imposing the present duties, whether prohibitory or protecting. And here we cannot help adverting to the complaint of some of the Cotton Manufacturers, who vainly think, that by prohibiting the importation of India Muslins, their consumption here might be prevented. To encourage that new branch of Trade, *raw Cotton* is already allowed to be imported *free from duty*; nor is British Muslin liable to any (unless dyed of more than one colour), whilst India Muslins pay a protecting Duty of *eighteen per cent. ad valorem, on importation*; and if they are exported, only *ten* of it is returned *in drawback*. This Duty ~~has~~ <sup>has</sup> at all times been more than \* sufficient to cover insurance by the smuggler to the dealer. It is therefore obvious, that if the consumption of India Muslins is at present injurious to our own Manufacture, the lowering the duty, though it may be the means of securing and increasing the Revenue on Muslins, must have the effect of increasing the consumption, and of course the evil complained of will remain unremedied. And such we think (in deference to the better judgment of those who complain) must for ever be the case, until British Muslins can obtain a preference in the Market to those of India in their texture and price; or unless the poor Natives of India shall be forbid to reap any fruits by their ingenuity and industry. For undoubtedly, while the Natives are not prohibited from making Muslins, and while their Goods are

\* It is universally known, that the insurance on India Muslins, smuggled from Ostend or Dunkirk into a dealer's shop in London, rarely exceeds £.14 per cent. in which every expence is covered. It is computed that we pay four millions of pounds sterling per annum for cotton, and that the goods manufactured with it sell for sixteen millions, while the whole quantity of India Muslins sold for Consumption, has fallen considerably short of £.400,000. It is the fineness and excellence of the Indian Goods that can alone preserve the fashion.

preferred to British Muslins, they will find their way to Europe in spite of any laws we can make; and prohibitions will only have the effect of transferring the benefit now derived by the Trade in *India Muslins* from the Company and the dealers and exporters of them, into the hands of Foreigners. The prohibition might also have the effect of making Muslins unfashionable to the utter ruin of the Trade.

That under a regulated Company, it would be impracticable to frame provisions, for securing the Duties in general from frauds, we by no means assert. It seems sufficient, to point out in what respect they may be improved under the present Company, and on the other hand how they may become more exposed than at present to evasion and fraud, and more particularly if the Trade shall become diffused, and conducted at many different ports by various hands.

Above all, it will be expedient to consider how far any material innovation on the present system of our Asiatic Commerce, may have a tendency to affect the political connection between Great Britain and India. It is well known, that the affairs of Government, Revenue, and Commerce, in the Provinces abroad, are become blended and intimately connected, each in its turn aiding and supporting the others, and that they cannot be separated without putting the whole to hazard, nor in any event without incurring considerable inconvenience and certain loss. At the time of our first obtaining these territories, it required no extraordinary degree of penetration to foresee, that *ten or eleven* millions of people, situate at so distant a part of the globe, attached to laws and institutions founded on superstition, and widely differing from those of their Conquerors, were not likely to submit to a New Government, and New Laws, administered in the Name of a Christian Prince, as their Conqueror, resident they knew not where but by name. To reconcile their minds, quieting their fears and apprehensions, and to prevent, as much as their feeling the change of their condition, the wise and politic as benevolent medium, was adopted of surrendering back, in appearance, conquered territories to their native owners, and accepting, as a kind of trust from the reigning Mogul, the office of Duan, or High Treasurer and Collector of the Revenues arising from them, upon an engagement to protect the Country from enemies, to pay the expences of the *native* Civil Government, and to contribute to the splendor and authority of the Mogul's Court, and the Defence of his Empire, leaving the Civil Government to go on and be administered in the name of the Mogul and his Subah or Nabob. Conformably to this engagement, the Government of the Provinces has been continued to the present time. The British influence is indeed paramount, but in the public Archives of the Country, all matters which relate to *civil and criminal Judicature* appear as if conducted solely by, and in the name of, the Mogul or his native officers; and all municipal concerns are decided by the Laws of the Natives, those between Mussulmen by their Magistrates, and according to the Laws of the Koran, and those between Hindoos and Gentoos by the Shaster; nor of

late time have the Company's Officers interposed their authority over the Native Magistrates, but with a sparing hand, and on urgent occasions.

The revenues of these territories, namely, of Bengal, Bahar, Orissa, Benares, Madras, and Bombay, with the subsidies of the several Nabobs and Rajahs, received by the Company, have amounted yearly, taken on an average of three years from 1787 to 1790, to about £.6,900,000 Sterling. The expences, civil and military, paid out of those revenues, and the interest of outstanding debts, with the expences of the establishments at Fort Marlbro', Pinang, and St. Helena, are computed at about £.5,800,000, leaving a net annual surplus of about £.1,100,000 \*. Of the gross income, part of it arises from the Company's own proper territories and revenues, as before is stated; the remainder of it from the Dewannee lands, and by subsidies. It is universally admitted, that India having been already in a great degree exhausted of its specie, it is not possible for any part of this *surplus* to be realized in Great Britain, but *through the medium of commerce*; nor could the revenue itself be made good, but through the aid given to the collection of it, by articles of Indian manufacture, annually provided for the *China and European investments*. It would answer little purpose to go much at large into an explanation, of what in itself is intricate and tedious. Suffice it to observe, that the Company employ overseers at their Aurungs in India, and in providing their manufactured goods. The collectors of the revenue advance money to those people out of the collections, for the purchase of raw materials, and for supporting the manufacturers and workmen employed. The money has a rapid circulation; it passes instantly from the Manufacturer to the Ryot, or cultivator of the lands, for rice and other food; from thence to the Native Collectors of the village for rent, who pay it over to the superior Landlord or Zemindar, through whom it again reaches the Company's Collector. What is paid for the material reaches immediately the occupier of the Cotton Grove or Poppy, and is circulated through a like medium till it comes to the English Col-

Such being the course of circulation established in all those parts of where piece goods, opium, indigo, or other articles of merchandize, are manufactured, and the condition of the Natives employed in them, being so abject as to require a regular supply, to keep them from emigrating or starving, it should seem that either in case, of diverting the revenue to any other purpose, or depriving the inhabitants of this means of supporting their families, neither Revenue, nor manufactured Goods, could be obtained; and if revenue could not be obtained, there must soon be an end to the influence of the British government in Hindostan; the political connection between the two countries would be destroyed, and all commercial intercourse would most probably perish with it.

\* N. B. According to the Memoir of the Carnatic, just published by Major Reynell, the revenue of the countries ceded by Tippoo Sultaun, amount to £.411,000 per ann. Whatever nett income is produced from thence must be added to this surplus of £.1,100,000.

Under these circumstances, it should seem that every man, whose mind is not biased by an undue prejudice, or by views of personal aggrandizement, will perceive the imminent danger to which our Possessions, our Trade, and our Revenues in India, may become exposed, by abolishing the present system, and substituting another, which may prove unsuccessful. All material innovations upon established usages and forms, more particularly in such as relate to matters of Government, Public Revenue, or Commercial Connection, are ever attended with inconveniences and difficulties, and can only be justified upon the ground of unavoidable necessity. The slightest discontent amongst the natives may lead to such extremities, as we may be neither prepared to meet, nor have ability ultimately to repel; and we may have to lament, when it is too late, that we have suffered our reason to be led astray, by the plausible arguments and false reasonings of interested speculators; and, what will not add much to our consolation, will be the reflection of having suffered ourselves to be deluded, although warned of the impending danger, by every successive Governor of Bengal, and particularly by Mr. Hastings, who emphatically tells \* us, that “our existence in India has, on many occasions, vibrated to the edge of perdition; and that it has at all times been suspended by a thread so fine, that the touch of chance might break, or the breath of opinion dissolve it.”

In this discussion we have carefully avoided quoting any of the arguments † used upon former occasions, for and against an exclusive Trade, because, by the acquisition of Kingdoms and Provinces, the Asiatic Trade has, since those times, undergone an entire change, inasmuch that the order and system, which formerly obtained in the conduct of it, seem now to be perfectly inverted. The point contended for on those occasions was simply mercantile. The subject now spreads itself into a wider field; it attaches to it *political* concerns of high importance, as well as those of *Commerce* and *Finance*. At those times, a change in the existing system was of little comparative consequence; the Exports and Imports were *small*, and the Revenue by *Customs*, if it had suffered, could have been easily made good; for the *National Debt* was then moderate, the objects left for *taxation* were numerous; and the real and personal assets of the Company were more than sufficient, after the discharge of their debts, to make good the value of their capital Stock; it became therefore a question, fairly determinable by the weight of public opinion, how the India Trade might be best conducted, without involving in its consequences, those important rights and interests, which seem now to depend on the continuance of the present system of conducting the Government, Revenues, and Trade in all its essential parts. It may be also material to observe, that although the East India Company have a clear indisputable right to continue to trade for ever to India, with a joint Stock, in common with the rest of his Majesty's Subjects, it does not follow as a necessary consequence, that they will continue to do so, further

\* See his Review of Bengal, 1785.

† They are inserted very much at large in Anderson's History of Commerce.

than may be necessary for winding up their affairs, unless such terms are granted them as they may think it for their interest to accept. They have certainly an option, and can in no respect be compelled, or indeed be expected to continue the responsible Agents of the Public, in the Administration of the Government of India and its Revenues, if individuals be authorised to start up in every part of Hindostan, even at their own Ports and Factories, as their rivals and competitors; or if laid under unreasonable restrictions at home, by which the ship owner, the manufacturer and the tin miner may become the dictators, what ships they are to employ, rates of freight they shall pay, in what state or condition they shall purchase their commodities, what sorts they shall be restricted from importing, and what quantity of metals they shall be compelled to take, and after what rate of price; if restrictions of this nature be imposed, the Company may think it for their interest to withdraw, and after disposing of their property to others, may relinquish the important trust. The consequences of their doing so, are more proper to be weighed by others, than to be described by us.

Upon the whole, we must confess, that until a better plan than any we have hitherto seen, or are capable of suggesting, shall be devised as a substitute for that which exists, whereby the true interests of the Public may be manifestly and substantially improved, and permanently secured, in unison with those of our fellow-subjects, the Natives of India, we hope to see no changes introduced to shake the present system; and that if any well digested plan, such as we have described, shall hereafter be brought forwards, deserving public approbation, the well known justice of Parliament may be relied on for an indemnification to the East India Company, and their creditors, in conformity with those principles which have ever guided and governed the conduct of the British Senate, when it has judged it necessary to sacrifice private Rights to public Utility.

It has been said that *the Merchants of Ireland* have a plan for opening a free Trade in the Indian Ocean. Not having seen it we forbear to make any comments on that subject. She has certainly emancipated and separated herself from Great Britain and her laws; and, as far as we are capable of judging, has as much right to try her fortune in the India Trade as any other *foreign nation*. But if her Trade should be carried on with *British Capitals*, and on the risk and account of *British Subjects*, those subjects will do well to look to the *Laws and Statutes*, which inflict severe penalties on such as have any dealings or concerns with Foreigners of any denomination in the Asiatic Trade: both they, and his Majesty's Irish subjects, will also do well to consider, ere they begin, if their means of carrying on a Trade to such distant regions, are more efficient, than were in the power of those other *foreign* Companies or individuals, who, though possessed of long established Settlements and Factories, and the other advantages, we have before described, appear to have been ruined in the attempt. If *Irish* ships still partake of the privileges of *British* ships as formerly, then will they be liable to seizure and confiscation for trading to India, as *British* ships are, and the penalties of the law will attach upon their owners and others concerned.

If

If they are not deemed *British ships*, then will those concerned, being *British subjects*, incur the penalties of the law, for becoming adventurers in *foreign ships* employed in the India Trade.

## C H A P T E R    XIV.

*Practical Means of securing to the Private Merchant and the Public, the ultimate Benefits of Trade within the Company's present exclusive Limits, without endangering the Chain of our political Connection with India, or materially disturbing the present system.*

**FREIGHT.**—The advancement of the India Trade, both Export and Import, seems greatly to depend on the attainment of what has been long fruitlessly attempted, *namely*, a conveyance of goods to and from the *East Indies* at a reasonable and moderate rate of Freight, such as may encourage the Manufacturers and Merchants, on their own risque and account, to adventure therein. It will be difficult for the Directors of the India Company to persuade the British Manufacturers that they do not know what is most for their own advantage, or that the Directors know it better than themselves. It is at the same time but reasonable, that the Manufacturers and Merchants should have the liberty of making the experiment they so ardently desire of opening new Channels of Trade for an increased Export of British Manufactures, and that those, who are willing to supply the shipping, at an easy rate, should be encouraged to do so. The good effects, which must result by the carriage of goods at a reduced and moderate freight, are very obvious and very numerous. Amongst other advantages, it will secure to us the benefit of the Carrying Trade to and from the East Indies to a greater extent than we have hitherto enjoyed it, to the exclusion of Foreigners, who have notoriously participated in it in an unreasonable degree: The public Revenue \* will become improved, by the duties left on the goods exported from hence: Both the Public and the Company will be benefitted by the saving of expence: † The quantity of India goods for foreign markets will be increased, and, by the reduced price of the carriage, our competition in the sale of the productions of Asia in the markets on the Continent of Europe may become the more successful. There is, however, some difficulty in effecting this desirable object, in a mode that may be consistent with the general Freedom of Trade, and the common Rights of Mankind. To make it obligatory upon, and not optional with, the Managers for the Company, to charter ships, of a particular description, at the lowest rates that may be offered, might be thought a constraint, degrading on the mercantile character of the Company; might expose

\* On the Export of some of the India Manufactures little more than half the Customs are returned in Drawbacks, and on some others no Drawback is allowed.

† We have before stated, that by the Acts of 1781 and 1784, the Public are intitled to three fourths of the nett surplus by Trade, as well as Revenue.

them to frauds and perpetual controversies; might prove injurious to the Commerce itself, and might, perhaps, in the end be productive of so many unforeseen *inconveniencies* as to drive the Company to the expedient of building their own ships. To preclude them from the power of doing so, we are persuaded can never be intended. And yet something must be done, to put an end to the improvident practice, which has but too long prevailed, through the powerful influence of what is called *The Old Shipping Interest*, in the extravagant rates given for Freight, to an amount probably of £.150,000 a year, if taken on a medium or annual average, from the end of the last war. The rejected offers at lower rates have been published, and the prices at which ships can be afforded, equally adapted to the conveniency and safety of the Trade, both of India and China\*, as those which the Company have taken up, are well known. No reasonable man will wish to introduce new plans to the injury of the owners of ships already built or employed. The Public, as well as the Company, being doubly interested in the effect to be produced by lowering the freight, it should seem expedient and useful, that some of the members of the executive Government should be invested with an appellat authority. Care being first taken to secure the owners of ships already engaged from losses, we would recommend that the highest price of Freight to and from *India*, and to and from *China*, distinctly, which shall in future be given by the Company, shall be fixed by the new Act, as well for time of *war* as of *peace*, leaving to the Company a latitude and option of contracting with any Ship Owners they please, so that they exceed not those prices. Let all persons be permitted to make their offers of ships, upon previous notice of the number and tonnage wanted, to be given by the Company in the London Gazette; and let the Directors be obliged to keep a Book of Orders for their Affairs of Shipping, distinct from all other business; in which shall be entered the *substance* of every offer, and the *causes* for rejecting such of them as shall not be admitted; let this book be open to public inspection; and if any ship owner shall think himself aggrieved by the Directors, let him have his appeal to the members of the Executive Government, who should be either the Board for India, or the Board of Commerce, whose order, in a summary way, might be made conclusive and binding.

EXPORTS AND IMPORTS.—Let all merchants and manufacturers have permission to export, in the Company's ships, any goods of *British* or *Irish* produce or manufacture, with an exception only of *ammunition*, and *military or war-like stores*, and the heavier articles of *marine stores*, (both which should, for obvious reasons, be ever reserved to the Company,) so that notice be given to the Company of the quantity of tonnage, both out and home, at or before a certain day in every season, to be fixed in the act. The tonnage *homewards* ought never to exceed the quantity engaged for *outwards*. The rate of Freight to be the same, which the Company shall pay, over and besides a reasonable con-

\* It being admitted on all hands (as we conceive) that the China Trade cannot be opened, but must of necessity remain exclusively with the Company as at present, we have confined our views entirely to the Trade of the East Indies, in the Regulations we have ventured to recommend.

tribution for the expences of warehouses, wharfage, support of factories and settlements, &c. &c. which may be put on a footing similar to the present Private Trade. *One third* at the least of this sum ought to be paid down, and a security given for the payment of *the other two thirds* at the ship's return. The import trade to be confined to such *raw materials*, and other articles to be enumerated, as shall not too much interfere with the Trade of the Company. The Company to be in no respect liable to actions for *damages or losses* in respect to the Private Trade, but their officers and servants to be liable. All Private Trade to be brought into the Company's warehouses, and put up to sale *by inch of candle*, as other India and China goods are at present. An *appeal* might be given to the same Board, as is proposed in the case of freight, to settle or adjust any disputes that may arise under this head.

**PRIVATE AND PRIVILEGED TRADE.**—Let this remain on its present footing, with the single variation in the mode of payment of the Company's Duty of £.7 per cent. which should be converted into a Tonnage Duty, and paid by the parties, without any regard to the *quantity or value* of the goods imported, as a means of effectually destroying the temptation of *running* the goods, to avoid the payment of that duty.

**FACTORS.**—Let the Company be obliged to licence any reasonable number of persons to reside at their Settlements abroad, for the management of the concerns of *private merchants* trading thither, on their entering into covenants similar to those of licensed Free Merchants. This matter also may be settled by appeal, if the Directors and the Merchant should disagree.

**DIVIDENDS OF THE PROPRIETORS.**—As the Company's property must ever be at hazard, to a very large amount, it seems highly reasonable and just, that their *Dividends* should bear some moderate proportion to the net income of their own Landed Property in India, and to their Profits of Trade; and this the more especially after the latter shall have been opened to the extent proposed, for the benefit of the private Trader. The Company are also in a great measure responsible for the Administration of the Government abroad, and the due collection of the Dewannee Revenues; what surplus they afford, or a great share of it, is intended to be drawn home to this Country, through the medium of the Company's Commerce. It has been shewn that after every allowance whatever, and after bearing the due proportion of the expence of the general defence of British India, the Landed Estates and Customs properly belonging to the Company may produce a net income of £. 250,000 a year at the least; which with the net annual profits of their Export and Import Trade, after making some allowance for the injury it may be supposed to sustain from the private Merchants, may be fairly rated at *One \* Million Sterling per annum*, clear of every charge

* Landed Revenues	—	—	—	—	£. 250,000
Export and Import Trade (as before explained, page 33 and 35.)	—	—	—	—	700,000
Private and privileged Trade	—	—	—	—	70,000
Annuity	—	—	—	—	38,000
					1,058,000
Allow for lessening of profits by the Trade of Private Merchants	—	—	—	—	58,000
					£. 1,000,000
The Company's own Income clear	—	—	—	—	£. 750,000
Dewannee Revenue	—	—	—	—	—
Total	—	—	—	—	£. 1,750,000



whatever, unless indeed the expence of *Insurance* were to be calculated, which is not done, because the Company are their own Insurers.

It is pretty well known *now*, with respect to the Debts owing in India, that the greatest part is due *to the Natives*, which accounts for no more of it having been drawn home upon the Transfer Plan. It is evidently wise and politic to leave a considerable debt amongst the Natives, at an annual interest. If the Revenues produce a net surplus of £. 1,100,000, they will afford *one million a year* to be drawn home by investment of goods, over and besides the produce of our own Exports, and Certificates given to the officers of the Company's ships, payable in England, and leave enough to accumulate in the Treasuries in India, either as a fund for the support of wars, when they shall be inevitable, or if it be thought better, the overplus may be applied as a sinking fund for the discharge of the debt there.

Thus will there be £. 1,750,000 *per annum* brought into this country, which, if divided according to the acts of 1781 and 1784, and the subsequent acts for the increased capital, would stand thus :

A dividend on five millions, at 8 per cent.	—	—	£.	400,000
The surplus left would be	—	—	—	1,350,000
<i>One fourth</i> of that sum would belong to the Company,				
being	—	—	£.	337,500
And <i>three fourths</i> to the Public, being	—	—	£.	1,012,500
			—————	1,350,000

But before the Public are to participate in this fund, these acts provide, that the Bond Debt shall be reduced to £. 1,500,000, and Bills of Exchange to £. 300,000. Provision might be easily made out of this immense income for such reduction, without postponing the whole of its benefit to the Public or the Company to a future time. Each might contribute its due proportion, to be set apart as a sinking fund, for the reduction of the debts, and ample means would be left of adding to the public revenue, and to the Proprietors dividends. The Exchequer might be content with receiving £. 450,000 a year, and the Proprietors £. 150,000 a year in additional dividends, until those debts shall be reduced to their proper standard, which the remaining fund would effect in a short space of time. Thus might the dividend be extended to *Eleven* per cent. and according to the income by revenue, and profits of Trade, beyond those sums, so should be the proportionate future payments to the Public, and to the East India Proprietors.

However flattering this conclusion of our labours may appear to our Readers, in favour of the *Public* and the *East India Stockholder*, it is no more, than we are fully warranted to give, by the authentic documents we have had occasion to quote or refer to in the course of this work, as well as by our own knowledge of the Financial Concerns of the Company.

POSTSCRIPT.

## P O S T S C R I P T.

*As given in the former Edition in February, 1793.*

SINCE the foregoing sheets went to the press, the Company have published a Statement of their Affairs, to shew what will be the probable net annual surplus of the territorial Revenues in India, and the profits on their Trade, in times of profound Peace. In forming this Statement, they have not been governed by the medium or average, either of actual receipts or actual disbursements for any former period, but have given their reasons for departing both from the one and the other. In consequence, the receipts are not increased, though the new ceded Countries of Tippoo Sultaun are brought into the account, whilst the probable disbursements are augmented. The result of the whole is, that the probable net Revenues, of the Indian possessions, including the new cessions, are estimated only at £.1,621,050, from which £.561,923 per annum is to be deducted for the Interest of the Indian Debt, leaving a net surplus of £.1,059,127. To this sum they add £.350,000 a year for the produce of Imports and Certificates in India, making £.1,409,127, from which sum they take £.1,127,000 for an Investment of Indian Goods, and £.250,000 towards an Investment of China Goods, leaving a surplus in India of £.32,127 a year. With these aids they compute on such yearly Sales, as with their Annuity, and Profits on Private Trade, will produce a net surplus in England of £.1,207,114, after payment of a Dividend of £.8 per cent. on the present Capital Stock of 5 Millions, and the Interest of their Bond Debt, the expences of Recruits, and all other current charges at home, and the Establishment for St. Helena.

The difference, however, between the Surplus, according to the Directors' Statements and our own (theirs being £.1,207,114, whilst we make it £.1,350,000) ought not, in any degree, to vary or affect the Rule established by the Legislature for its appropriation. If the Public take £.450,000 a year of it, the Proprietors, under the participation settled by the Acts of 1781 and 1784, are intitled to £.150,000 a year; and any increase to the Public ought to be accompanied by an increase of Dividend to the Proprietors of India Stock, after the same proportion.

The Directors, in forming their estimate of the net Surplus, have, from prudential motives, computed on the lowest probable receipts, and on the highest probable disbursements, the surest way of preventing disappointment; while that which we have given, is the result of actual receipts and actual disbursements on the average of three years. The Directors have in particular rated the Sales at half a million per annum less than the Estimate of their own Officers in other accounts before Parliament. They have, however, fairly admitted a prospect of increasing the Surplus, by lessening the Interest of the Debt in India. Under these circumstances, and by the Savings in the Rates of Freight, we trust we shall not be found too sanguine in our expectations, that a Surplus will hereafter be realized to justify our own Estimate of it at £. 1,350,000 per annum. And, indeed, one of the most experienced of the Gentlemen in the Direction, whose prudence and caution will secure us from being misled by any thing he would advance, has publicly declared in Debate, that the Surplus is more likely to exceed than fall short of £. 1,500,000 per annum.

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## CHAPTER XV.

*The Question as between the Crown and the East-India Company, in respect to the Property of the Town, Port, and District of Masulipatam, and also in respect to the Northern Circars, on the Coast of Coromandel, stated and discussed.*

THE period of the compact, made with the Public in 1781, whereby the East-India Company were continued for a further time in their Exclusive Trade, as well as in the Government of the Countries acquired in India, being near its expiration, His Majesty's Ministers, with a view of continuing the present system of Government and Administration in India, have recently offered certain propositions to the Company for that purpose, and for making a new partition between the Public and the Company, of the net revenues of the Territories in India, as well of those acquired by conquest, as of those which are the independent property of the Company, and also of the net surplus, arising from the profits of the Company's trade.

The reasonableness of this partition, upon the terms proposed, must depend in some degree on the rateable proportion, which the Revenue of the conquered Territories bears to the Revenue produced by the Company's own proper Estates in India. It therefore seems highly essential, if not absolutely necessary, that means should be used, to discriminate betwixt the Revenues of the Public and those properly of the Company, antecedent to the establishment of any specific appropriation; for unless that is done, the Company must be acting altogether upon conjecture.

The Territories and Revenues of India, may be properly classed under three descriptions. First, Those which the Company possessed, prior to the year 1755, with respect to which their exclusive right has never been questioned, nor can it be in any degree liable to impeachment: The extent of them is known to a certainty, and their income was fully investigated by the Secret Committee of the House of Commons of the year 1772, as will appear upon reference to Third Report of that Committee, wherein their annual produce, for a series of time, will be found amply detailed.

Secondly, The Territories and Revenues ceded to the Company by the Mogul, the Nabob of Bengal, the Soubah of the Decan, and the Nabob of Arcot, by Grants and Treaties after the year 1755. These consist chiefly of the Pergunnahs at Calcutta, the ceded Lands so called in Burdwan, Midnapour and Chittagong, the Town and District of Calcutta, the Town, Fortrefs, Port and District of Masulipatam, the Five Northern Circars, and the Jagheer Lands at Madras. The property of these may be debated on distinct grounds, each having been acquired by the Company in consequence of the influence resulting from their

**Military Establishments, and the valour and success of their arms after that period.**

Lastly, The Provinces of Bengal and Bahar, and that part of Orissa which is terminated on the South by the Cattack Countries belonging to the Maratta States, the District of Benares, and the Countries in the Carnatic, and on the Malabar Coast, lately obtained by the Treaty with Tippoo Saib. These are claimed on the part of the Public, as the property of the State, on a maxim of Law, that all Territories acquired by conquest vest in the Crown.

Although it should seem essential to the Company, that their exclusive Claim to each of the debatable Districts should be investigated and finally decided upon, we shall, for the present, confine our inquiry to the merits of what relates only to the Town, Port, and Districts of Masulipatam, and to the Five Northern Circars. We have given these a preference, from a persuasion that in point of Revenue, Extent and Situation, they will be found to be intrinsically of greater importance than any of the others with which they are classed; and because, by a full and minute investigation and discussion of the merits, whereon the legal right to these Districts seems to depend, it is not improbable, but some rule or principle may be established with regard to all, or some of the others.

The magnitude and importance of the question of Right between the Public and the Company, whether as applicable abstractedly to the Revenues of the Circars, or as establishing a precedent in Law for determining the Claims of the Company upon other Territories already, or which may in future be obtained and held upon titles of a like sort, have induced us to think it more prudent to hazard the imputation of prolixity, in the Statement we are about to give, rather than by curtailing it of circumstances, which might otherwise have been deemed inapplicable, or not pertinent to the merits of the question, incur a charge of partiality or negligence.

For the ease of our Readers who may be desirous of applying the Law to the facts, in the order of their detail, according to the Rights of the respective Claimants, we propose to arrange our Tract after the following method: First, To state what we conceive to be the legal and acknowledged Rights of the Crown, by virtue of its known prerogative, in so far as they relate to the present subject. Secondly, The power of the Crown to transfer its Rights to others. Thirdly, How far the Crown has transferred its Rights to the East-India Company, or otherwise enabled them by Law to acquire, hold, defend and dispose of Lands and Territories within the limits of their Trade. Fourthly, A succinct narrative of the facts and circumstances which preceded or accompanied the acquisition of Masulipatam. Fifthly, A similar narrative in respect to the acquisition of the Circars. And lastly, We shall conclude with some remarks on the merits of the Question in point of Law.

*Prerogative Rights.*

AMONGST the numerous Rights appertaining to the King's Prerogative, arising to him "from the reason of the Common Law," (as we find it aptly expressed in a great \* authority) are those of making War and Peace; an interest in his Subjects, and a Right to their service; the command of all fortresses and places of strength; so that none but by the King's Licence can legally build, erect, or fortify a castle or other place of defence; the sole Coinage of Money; the Property in all Mines of Gold or Silver wheresoever found; the erecting of Courts of Judicature; a general Right of Sovereignty over the Lands of all his Subjects, and a Right to the absolute Property, as well as Sovereignty over foreign Territories acquired by conquest, whether it be by his own regular Forces, or by any of his Subjects not trained or so employed, but acting on their own will; or acquired by Grant or Treaty obtained by Influence of Arms, or even by any Treaty or Grant of Dominion made to any of his Subjects by a foreign Potentate. It is also a Right coeval and inherent in the Prerogative of the Crown, to delegate to, and invest its Subjects with such Powers and Rights as may be deemed necessary to be exercised for giving vigour and effect to the protection and security of the Empire, the Extension of its Dominions, and the enlargement of its Commerce. Neither the Power of Delegation, nor the Right of Granting, has ever, that we can discover, been denied, or questioned, or limited, where the known Laws of the Land have not been impugned or exceeded. It was under Delegations of this description, that many of our foreign Dominions were obtained; and it is under Grants, flowing from the Prerogative, that our Nobility and Gentry, at this day, derive their titles to their landed Property in the Three Kingdoms. The proprietary Districts of America, and the Lands in the West India Islands were thus conveyed; nor is the Crown debarred (that we know of) from alienating any of its foreign Territories, either in possession, or reversion, or dependent on any expectancy or contingency. The Restraining Act of Queen Anne, and the Civil List Act of His Majesty, are limited to the demesnes and hereditary Revenues of the Crown at home.

*Company's Rights.*

WITH respect to the Rights and Privileges of the United Company, it will be found that the Old Company, erected and incorporated by Queen Elizabeth, were legally seized of the Islands of St. Helena and Bombay, and of sundry Forts, Factories and Settlements, and were also possessed, and in the exercise of extensive Authorities and Privileges in India; all which, on the Union of the two Companies in 1702, were transferred to the United Company. Their Union was ratified by Queen Anne, under the great Seal of England, and the

\* Staundf. Prerog. Reg. Plowden 314.

Rights and Powers thus conveyed, together with those which had been granted to the New Company, have been repeatedly sanctioned by subsequent Acts of Parliament made on the several compacts between the Public and the Company, for the continuation of their Exclusive Trade; on which occasions, the Company paid to the Public such pecuniary considerations, as at the time were deemed adequate in value to the Rights and Immunities purchased, or agreed to be held and enjoyed by them. Amongst which are these that follow :

To be a Corporation or Body-politic, and to have perpetual succession, with ability to hold and retain Lands and Tenements of any kind, nature, or quality whatever, and again to sell, alien, or dispose thereof; to make Settlements in India, without any limitation in their value and extent; to build Castles, Forts, Fortifications, or other Places of Strength; to appoint Governors and Commanders; raise, train, and muster Forces; repel Wrongs and Injuries on their Property; make Reprisals on their Invaders, or Disturbers of their Peace; coin Money, and erect Courts of Judicature. So \* ample were the powers for enabling the Company to preserve Discipline amongst their Military, that they were authorized in all their Settlements, in cases of Rebellion, Mutiny or Sedition, or refusing to serve in War, flying to an Enemy, forsaking Colours or Ensigns, or other offences against Law, Custom and Discipline Military, to use and exercise all the Powers of Captain General. And by one of the Charters it was expressly declared, that these Powers and Immunities should extend to all Territories which the Company should at any time purchase or acquire within the limits of their Trade; and by another † Charter it was granted, that the Company should have the sole Rule and Government of all Forts, Factories and Plantations, already, or which should thereafter be settled by or under them, and exercise Martial Law therein; and by ‡ another, they are empowered to fit out Men of War in times of hostility. In these Charters and Grants the Sovereignty of the Crown alone is reserved.

Under the Rights and Powers thus conveyed, the Company acquired by purchase from the Moguls, or other of the Native Princes and States, sundry spots of ground on the Peninsula of India, on which they erected Factories and Houses of Trade; and for the better defence of their property against the incursion of banditti and casual depredation, they had long anterior to the conquest of Bengal, fortified the Island of Bombay, and their Factories at Madras, Vizagapatam, St. Davids, and on the river Ganges, and garrisoned them with their forces; and in general exercised the several other authorities and privileges derived from their Charters. The mildness of their Government within their Factories, the equal administration of Justice at their Courts, the punctuality and uprightness observed by their Servants in their dealings, the simplicity of their manners, and their quiet and inoffensive deportment, endeared them to the Natives, and induced many of the Hindoos to settle within, or near their districts. The Soubahs of the country bestowed on them exemplary marks of their favour, until

\* Charter of 27th September, 1669.

† 9th April, 1683.

‡ 12th April, 1686.

at length the Company had obtained Territories which produced in Land Rents and Port Duties, a considerable income, sufficient at least to defray their establishments, as long as they were permitted to observe a strict peace or neutrality amongst the Native States; nor from the first erection of the Company by Queen Elizabeth, till the accidental Conquest of Bengal, had the Right of the Company been called in question, to acquire, by any means they could devise, Settlement, Territory, or other Property in India for their own benefit. It was the magnitude of that conquest, which first excited Public attention, and a general maxim of law, of which, perhaps, no instance or occasion for its being exerted or acted upon had happened for centuries, if ever, in this Kingdom, was now enforced by Parliament, with a saving however of Rights, so as to leave the question open to litigation at some future period.

*Situation of Masulipatam and Circars.*

Before we proceed in our narrative, it may not be amiss to give the Reader some idea of the extent, situation, and income of Masulipatam and its districts, and we cannot do this more satisfactorily, than by reference to Mr. Orme's History of Hindostan. The following is a literal quotation \* from his work.

“ These † acquisitions added to Masulipatam, and the Province of Condavir ‡, made the French masters of the Sea Coast of Coromandel and Orixá, in an uninterrupted line of 600 miles from Medapilly, § to the Pagoda of Jagernaut ||. These countries are bounded by a vast chain of mountains, which run nearly in the same direction as the Sea Coast, and are in most places about 80 or 90 miles distant from it, although in some few not more than 30. They are covered with impenetrable forests of bamboes, and in the whole extent there are not more than four passes which, according to Mr. Bussy's account, may be defended by 100 men against an army.

“ The Province of Condavir extends between the River Krishna and Gondagama, which gains the sea at Medapilly. The limits of the other Four Provinces are not exactly ascertained; nevertheless it appears, that Mustaphanagur joins to the North of Condavir; that Elore lays to the north west of Mustaphanagur; that Rajahmundrum is bounded to the south by these two provinces, and that Chicacole, much the largest of the four, extends 250 miles from the River Godaveri to the Pagoda of Jagernaut. The revenues of the Four Provinces were computed at 31,00,000 rupees; of Condavir at 6,80,000; and the dependencies of Masulipatam were so much improved that they pro-

\* First Vol. p. 334.

† The Circars of Mustaphanagur, Elore, Rajahmundrum and Chicacole.

‡ Another name for the Guntur Circar.

§ The northern extremity of the Carnatic on the Coast of Coromandel.

|| The southern extremity of the Mahratta dominions in Cattack, lately under Modajee Boosla one of their chiefs in Orixá. His dominions extend northwards upon the Coast, to the extent of about 240 miles, where they adjoin to that part of the British possessions in Orixá which are under the Presidency of Bengal.



duced this year (1753) 5,07,000, in all 42,87,000 rupees equal to more than £.535,000 sterling per annum. All these rents, excepting those of Masulipatam and its dependencies, which seemed already to be carried to the height, might be greatly improved; so that these territories rendered the French masters of the greatest dominions, both in extent and value, that had ever been possessed in Hindostan by Europeans, not excepting the Portuguese when at the height of their prosperity; nor were commercial advantages wanting to enhance the value of these acquisitions; for the manufactures of cloth, proper for the European markets, were made in this part of the Decan of much better fabrick and at much cheaper rates than in the Carnatic. In Rajahmundrum are large forests of teak trees, a wood in every respect equal to oak, and produced in no other part of the Coast of Coromandel and Orixa. Chicacole abounds in rice and other grain, of which great quantities are exported every year to the Carnatic."

And speaking of the Soubah's proposals to the Madras Government in 1756, for their assistance against the French in the Decan, he says, \* " Nothing could be more acceptable to the Presidency than this invitation; for since the dis- appointment of the expedition which the Company had projected to be carried on from Bombay, they despaired of having another opportunity of striking at the French influence in the northern parts of the Decan, on which nevertheless the very existence of the English, on the Coast of Coromandel, seemed to depend.

Monsieur Dupleix, speaking of the nature of the Soubah's last grant, to Mr. Bussy, in his famous Memoir says, " I persisted in demanding the four beautiful provinces of Ellore, Mustaphanagur, Chicacole, and Rajahmundry, which suited us in every respect, and I obtained them. They were given in full sovereignty to the Company, at the charge of keeping with the Nabob, a body of French troops, after the manner of the Mogul Lords or Mahrattas, to whom the Emperor or the Nabob grants Jagheers."

#### *Narrative of the Acquisition of Masulipatam and its Dependencies.*

The war which broke out between France and England in 1745, soon spread itself to India, where the Companies of the two nations had raised native corps of troops, and sacked or besieged the Settlements of each other. Advices of the peace, concluded in 1748, reached India just at the time of our raising the siege of Pondicherry. The British Squadron, under Admiral Boscawen, soon returned to England; but neither of the Companies discharged their troops. Chunda Saheb, competitor with Anawarden Caun, and afterwards of his son Mahomed Ally, for the Nabobship of Arcot, had agreed to take those of the French into his pay, and they waited his arrival in the Carnatic to be united with his army. It was not long after this period that the two Companies became auxiliaries on opposite sides to these rival Chiefs.

The Carnatic forms part of the Mogul Empire, constituting one of the Provinces, or a Nabobship of the Decan, which had been long governed by the Soubah Nizam ul Mulk, as the Viceroy of the Mogul. To him belonged the nomination of the Nabob. On the death of that Soubah in 1748, different competitors, his sons or descendants, had laid claim to the Government of the Decan; the Mogul was not in strength to interpose his authority with effect; otherwise there can be but little doubt but the Nizam's eldest son, Ghazi ul Dien, who was at that time the principal Minister to the Mogul at Delhi, and had been named as successor to his father in the Government of the Decan, would have been established in it. Nazir Jung, another son of the late Soubah, (but styled by the French a bastard) and who at that period commanded his father's army, had taken possession of his immense treasures, and pretending that Ghazi ul Dien had ceded to him the Soubahship, (preferring a residence at the Court of Delhi) he assumed the reins of Government, keeping his three younger brothers little better than his prisoners; whilst Muzafa Jung, a favorite grandson of the deceased Soubah, claiming the right, under a pretended will of his grandfather, appointing him his successor, raised an army in the Country west of Golconda, and claimed the Soubahship.

Such was the state of parties and of the country when a cessation of hostilities between the two Companies took place in 1749. It was about this time that Chunda Saheb and Muzafa Jung had united their Forces under a solemn stipulation, never to sheath their swords 'till the one was put into complete possession of the Carnatic, and the other established in the Government of the Decan. They soon after fought the famous battle of Amboor, where the superior discipline of the French army overcame all obstacles, and obtained a decisive victory for their employers over Anawarden Caun, Nabob of the Carnatic, who was himself slain, and his eldest son Muzafa Caun taken prisoner; Mahommed Ally his younger son, the present Nabob, narrowly escaping the same fate.

Muzafa Jung was immediately proclaimed Soubah at the head of his victorious army, and Chunda Saheb declared Nabob of the Carnatic. The English forces had not hitherto interfered in these disputes, but the news of the victory, and the preparations making by the French and their allies for extending the influence of their arms through the Decan, brought down the Soubah Nazir Jung into the Carnatic; nor did he stop 'till he encamped with his army at Velstour, within a small distance of Pondicherry, where he was met and opposed by that of his nephew and his auxiliaries. The Madras Government, now perceiving for the first time with certainty, that Nazir Jung was the actual reigning Soubah, they sent Messrs. Lawrence and Dalton, with a small corps of English troops to pay him their homage; they were received with politeness, and permitted to encamp near him. A parley took place between the uncle and the nephew, which naturally occasioned alarm to the French, lest by a reconciliation the Native Chiefs should unite their forces and turn their arms against them. They therefore suddenly withdrew themselves from the camp, and retired towards their own Settlement. It was in vain that Chunda Saheb endeavoured to dissuade Muzafa Jung from listening to the proposals of his uncle. That Chief therefore  
withdrew

withdrew himself to Pondicherry, and the infatuated nephew, allured by the solemn protestations of the Soubah, both of affording protection to his person, and of placing him in the Government of certain Provinces of the Deccan, proceeded to the Soubah's tent ; where, in violation of the ties of honor, justice, and his pledged faith, the Soubah instantly loaded him with irons, and falling suddenly on his unsuspecting adherents, both they, and such of the French as could be overtaken were miserably butchered.

At this period neither the English nor French possessed any thing more at Masulipatam than their Factories or Houses of Trade. The French, sensible of the importance of that Port for the purposes of commerce, had obtained a promise from Muzafa Jung of a grant of it with its dependencies, a circumstance which probably had reached the ears of Nazir Jung ; for shortly after the affair at Veldour, he caused his Officers to seize the French Factory and effects at Masulipatam, though it does not appear he meddled with any other, (for they had other Factories in his dominions) ; and Dupleix, highly exasperated at this act of tyranny over the private property of innocent and helpless individuals, vowed severe vengeance.

The Soubah with his army took up his residence at Arcot for the Monsoon. In the mean time Chunda Sahib and Dupleix were indefatigable in their preparations for war. Before the Soubah began to stir, they made themselves masters of Gingee, and also of Masulipatam, and appeared in such force in the Carnatic, that the Soubah, as the condition of being permitted quietly to withdraw himself from its confines, found it prudent to grant to the French the absolute property of Masulipatam and its dependencies ; and to make them other concessions. He however still kept Muzafa Jung a prisoner, which Dupleix highly resenting, found means to corrupt certain of the Patan Chiefs, who formed the body guard, and agreeably to a plan concerted, the French attacked his camp by surprise, when the unfortunate Soubah, quitting his tent, fell a victim to French treachery, and the villainy of his own people. His head having been exposed, Muzafa Jung was taken from prison, and proclaimed Soubah by the unanimous voice of both armies ; and one of the first acts of the new Soubah, in gratitude for his release and advancement, was to confirm the grant of Masulipatam, with its dependencies, to the French. According to Mr Orme, they were to be held in vassalage ; though, if we may credit the relations of Mr. Bussy and Mr. Dupleix, they were granted in compleat sovereignty for ever.

In the Appendix to Mr. Dupleix's celebrated Address to the French Nation, will be found an accurate account of the revenue produced from Masulipatam, distinct from the places dependent on it, as well as from their subsequent acquisitions in the Northern Circars. If they had been otherwise before, it is evident that, from this time at least, Masulipatam and its dependencies formed a distinct district from the Five Circars, producing a revenue of about £.38,000 a year.

A few months had only elapsed before Muzafa Jung also fell a sacrifice to the treachery and avarice of the same Patan Chiefs, who had assassinated his uncle. Three other of his uncles, Salabut Jung, Nizam Ally, and Bazalet Jung, had been continued prisoners in his camp. Mr. Dupleix set them at liberty, and raised Salabut Jung, the eldest of the three, to the Musnud of the Decan; and for a considerable time after, the influence of Mr. Dupleix wholly prevailed over the Councils of the Soubah. His person was constantly guarded by the French soldiers, who fought and conquered by his side in several conflicts with the Mahrattas; the French commanders dictated the terms of the successive conventions, for suspension of hostilities; and in 1753, they planned the triumphant entry of the Soubah into his capital of Aurungabad, where he rewarded the French Company with grants first, of the Guntoor, and soon afterwards of the other Four Circars; and although by an invitation of Jaffeer Ally, one of the discarded Zemindars in the Circars, some of the neighbouring Mahrattas broke in and devastated the most fruitful parts of the country, they soon retired, and in 1754 the French were left to enjoy, without interruption, the fruits of these valuable acquisitions.

The Company's troubles in the Carnatic and in Bengal, at the time of the rupture in 1756 with France, had obliged them to weaken their little garrison at Vizagapatam. The Fort and Factory at that place, and also Madepollam, Bandermaalanka, and Ingeram, fell an easy prey to Mr. Bussy, and the forces he kept in the Circars. In the mean time, by the intrigues of Nizam Ally, and Bazalet Jung, assisted by Shanavese Khan, their brother's Duan, the influence of the French became weakened at the Soubah's Court. The French detachment however still accompanied him, and most probably saved his life, at the time the two brothers possessed themselves of his Seals of State, and assumed to themselves the reins of the Government, which, however, they administered in his name. This revolution must have happened about the time of Bussy's capture of the English Company's Factories. He had no sooner accomplished that object, than he hastened, with what force he could collect, to the assistance of Salabut Jung at Aurungabad. It consisted of 700 Europeans, 500 Sepoys, and 10 field pieces; and though at his arrival he found the Soubah surrounded by three armies under the command of his two brothers, to whom he could be considered as little better than a prisoner, he so managed as to procure the Seal to be restored. Nizam Ally, unable to brook what he feared openly to resist, but resolving in some degree to avenge himself for what had happened, procured the assassination of Hyder Beg, (the new Minister) imposed on his brother by Bussy, and then fled to Brampour. The friends of Hyder Beg immediately revenged his death by the murder of Shanavese Khan, and his son Mahommed, the Emperor's Duan, and all their adherents; so that Bussy was again left to direct the Councils of the Soubah. He was, however, shortly after called to Pondicherry with his forces for the relief of that place then besieged by the English Company. He quitted the Soubah, leaving a force for the defence of Masulipatam and the Circars.

After the death of Vizeram Rauze (the Zemindar who had superceded Jaffier Ally in the Rajahmundrum Circar, and who had also been manager for that of Chicacole) Buffey had imposed such new arrangements and conditions on his nephew and successor the Rajah Anunderawze, as to excite his resentment. He therefore took the opportunity of Buffey's departure to avenge the supposed injury, and to recompence himself by seizing on the garrison of Vizagapatam. Fearing his own ability to retain it, he sent advice of what he had done to Madras, offering a surrender of it to the Company. He afterwards made a like offer to the Presidency of Bengal, proposing to join his forces with any detachment they should send for driving the French from the ceded provinces. Lord Clive accepted of the offer, and immediately re-established the English Factory at Vizagapatam. He likewise sent 500 Europeans, and 2500 Native troops, under the command of Col. Ford, to unite with the Rajah against the French. It was agreed between the Colonel and the Rajah, that all plunder should be equally divided, that all the inland countries which should be conquered should be delivered to the Rajah, who was to collect the revenues; but the sea ports and towns at the mouth of the rivers, with the revenues annexed to them, were to belong to the English Company; no treaty for restitution was to be made but by mutual consent; and the Rajah was to supply half a lack of rupees monthly for the expences of the troops; and 6000 rupees, to commence from their arrival at Vizagapatam, for the particular expences of the officers.

In December 1758, the united forces gained a complete victory over the French commanded by M. Conflans, who retreated first to the city of Rajahmundrum, and afterwards to Masulipatam, followed by Colonel Ford; and the campaign ended with the siege and capture of that place by storm, in April 1759.

The tardiness of the Rajah in bringing forward his troops from Rajahmundrum to Masulipatam, and his backwardness to advance the money for the detachment, had induced Col. Ford to agree to the following variation in the agreement which had been made with him in the preceding November, (namely) that whatever sums the Rajah might furnish, should be considered as a loan; and that the revenues of all the countries which might be reduced on the other side of the Godavery, excepting such as belonged to the French, either by establishment or grant in propriety, should be equally divided between the Rajah and the English.

Whilst Colonel Ford was before Masulipatam, the Soubah, at the entreaty of Conflans, brought an army into the Circars, of such a force, as united with the French, might have easily raised the siege, and compelled the English detachment to have laid down their arms. The Soubah, however, neither joined the French nor interrupted Col. Ford, but encamped about 40 miles from the fort, waiting the event of the siege. All he did was to call upon the Rajah and the Zemindars, that were with Ford, to repair as his vassals to his standard; and it was not without difficulty they were prevailed on to disregard the summons. Some part of the French forces, after their defeat, had separated from those

those who took refuge in Masulipatam, and being formed into a small army of observation, were encamped at no great distance from the Soubah. Colonel Ford perceiving his danger, and in despair of escaping, planned the bold effort of storming the fort, though with little expectation of success: To amuse the Soubah in the interval, he sent Mr. Johnstone to pay him his homage, which the Soubah took in kind part, and received him in his camp. On the place falling into the Colonel's hands, the Soubah advanced within 15 miles of the fort, and the Rajah and Zemindars not doubting but the Soubah intended to reduce it, separated from the English and retired into the country; but Salabut, after some conference with the commander of the French army of observation, agreed to receive Colonel Ford in his tent, and to grant him certain requests, and to swear to the performance of them.

This engagement has been treated as a grant, and erroneously considered as the foundation of the Company's title to the Five Northern Circars. It may, however, admit of a doubt, whether aided as it was by the Soubah's oath for its observance, it had the efficacy of a grant or treaty. The power of the Soubah to make any grant of, or to alienate a part of the Soubahship, is in the first place very questionable. Secondly, He had already granted the same districts to the French. Thirdly, The Sunnuds promised by it, and which by the Constitutions of the Empire (admitting the power) would be a mere nullity, unless passed under the Seal of State accompanied by a variety of ceremonies and registrations, do not appear to have been ever obtained. Fourthly, In military or feudal tenures, (and this at best could be considered in no other light) a new investiture becomes necessary on every change of the supreme power who makes it, so, that in no event could the Sunnuds have been valid beyond the life or removal of Salabut Jung. And lastly, the request extended only to a distinct part of the Circars. The form in which the Soubah's engagement is printed by the Company, differs materially from, and is far more extensive in respect to the territories described in it, than what is given as the agreement by Mr. Orme; his again far exceeds what the Madras Government, at the time, described to be the extent of it, in their advices to Bengal of July 1759. The Company's printed copy contains a promise of Sunnuds, for giving to the Company the Circar of Masulipatam with eight districts, and the Circar of Nizampatam, and the districts of Condavir and Wacalmanner, in the same manner as was done to the French. Mr. Orme describes the grant to be of the whole territory dependent on Masulipatam, with eight districts and jurisdiction over the territory of Nizampatam, and the districts of Condavir and Wacalmanner, all which were to be held without the reserve either of fine or military service. The Governor and Council of Madras, immediately after the communication to them by Colonel Ford of his interview with the Soubah, describe the grant to be no more than "of the port of Masulipatam, with the dependencies thereto belonging;" recommending it to Lord Clive to obtain a confirmation of it from the Mogul, or at least a renewal of the Company's old Firmaund for Divi Island, and their factory in the town of Masulipatam. What-

ever might be the extent, it is evident that the port, town, and citadel of Masulipatam were all that the Company retained. The Circars, at large, were left in the Soubah's possession as their immediate superior, under a promise that Anunderauze should be continued in the management of the Chicacole Circar, upon the terms which his ancestors had held it from the former Soubahs. Colonel Ford with the English forces were soon after withdrawn from the Circars, a very small number only being left in the garrison; and so far were the Company from retaining the possession of any thing beyond the port and town, and dependencies, that it appears that so early as June 1760, Nizam Ally, who, in consequence of his brother being deserted by the French, had assumed the Soubahship, visited the Circars, and was attended at Rajamundrum by Mr. Alexander, the Chief of Masulipatam; where he urgently requested a body of the Company's troops to act against the Mahrattas; offering to pay one lack of rupees monthly, and if they beat the Mahrattas, and dispossessed them of the country belonging to him, he would then agree to give the English the Circars of Rajamundrum, Ellore, and Mustaphanagur; and that, on the proposal not being accepted, he had left those Circars under the management of Hussein Ally, and had granted the Guntoor or Condavir Circar, in Jagheer, to his brother Bazalet Jung; continuing Vizeram Rauze (son of Anunde Rauze) in that of Chicacole; and in a letter from Madras of April 1766, it is expressly said, that after Colonel Ford had taken Masulipatam, and put an end to the authority of the French in the Decan, all the Five Circars were restored to the dominion of the Soubah.

It is observable, that Salabut Jung's first grant to the French was of Masulipatam only. Mr. Orme has given us the income of it, distinctly from that of the Circars. It was the only part of the country which the Company retained from 1759, till they obtained the grant of the Circars in 1765. From these circumstances it is pretty evident, that Masulipatam was considered as a district of itself from any of the Circars, or perhaps as forming a Sixth Circar. The other Five take their names from the capital of each. Condavir or Guntoor from the towns bearing those names. Ellore from that town, and so of the rest. And hence it was that Hussein Ally's authority over Ellore, as the manager or renter thereof to the Soubah, might be perfectly compatible with the Company's enjoyment of Masulipatam.

From these facts we think ourselves warranted in the following conclusion (namely) that the distinct district of Masulipatam, with the fortress and port belonging to it, were obtained BY CONQUEST; and from the moment of the capture of the fort by Colonel Ford, they became vested in full and intire property as well as sovereignty in the King; and at this day continue the estate of the Crown, to be kept or granted as His Majesty may think fit.

Should it be objected that because Masulipatam had been held by the French as a fief of the Indian Empire, and that the change of hands could not alter the

the rights of the Mogul or his Soubah, as the paramount lords, we are ready to admit that the King, by his prerogative, must of necessity be the *summus dominus supra omnes* over all territories held by him; that lands in his possession are free from every tenure; that he can neither be a joint tenant with another, nor hold of another. But with this admission, and though in fact the Soubah had taken no part in the hostilities between the English and the French, yet we conceive that the levying war in the Decan against the French, they being feudatories of the Soubah, must, to every legal intent, be held as levying war against that power also; and that by the conquest, the sovereignty as well as the soil became instantly annexed to the Crown of England. If the French had themselves the sovereignty, the legal effect would have been the same. The subsequent agreement by Col. Ford with Salabut Jung, could not change or vary the nature of the King's title to Masulipatam once acquired, nor under the Charter of 1757 could the Company restore it, because they were restrained from ceding back any acquisitions belonging to the European states. The treaty of Peace, in 1763, completely established the right of the King; the French having thereby renounced all their acquisitions on the Coast except their Factories, which alone were restored to them.

#### *The Acquisition of the Circars.*

THE new Soubah Nizam Ally, derived his right to the Government of the Decan under a grant from the Mogul; he was pressed on all sides by the armies of the Mahratta States and of Hyder Ally, and was in the utmost distress both for money and succours. He appears from the first commencement of his accession, to have anxiously courted our alliance, as the surest means of furnishing himself with protection against the French, whom he both feared and had offended, and against the ambitious views of his troublesome neighbours. We have already seen that he made his first overtures to Mr. Alexander at Rajahmundrum in 1760, immediately after he had deposed his brother. In 1761 he repeated them, with an earnest desire to be assisted with troops, and an offer of the Circars by way of subsidy. At this period it would on many accounts have been desirable for the Company to have complied; but the period was critical, and European forces could not be safely spared. In the mean time many of the Zemindars and Renters in the Circars, taking advantage of the weakness of the Soubah's Government, and the unsettled state of the Decan, had become refractory, had withheld their tribute, and had bid defiance to the authority of Husein Ally the Soubah's manager; and to render the anarchy the more general, the more powerful of the Zemindars had waged war against each other. Unable to send assistance from Hydrabad, the Nizam, in the autumn of 1762 deputed his Minister Husein Ally, to the Presidency of Fort St. George, with *grants on sunnuds* for the Four Circars in the nature of a subsidy, again repeating his request for a European force. The war with Spain had been just commenced, and the expedition against Manilla undertaken, so that the Madras Government were unable to comply. They, however, did not choose to hazard the giving the Soubah

office,



offence, by an abrupt rejection of the Sunnuds, nor a positive refusal, fearing he would admit the French again to their possession of those districts; pressed by Hussein Ally to lend him a small body of Native troops to support his authority in the Circars, and persuaded that it was the general disposition of the Zemindars and Renters, to submit to any reasonable proposals if sanctioned by the Company's authority, and that their name alone would go far in drawing them back to their allegiance, the Madras Government, with Hussein's consent, proceeded to publish the Sunnuds in the Circars, and though no force was used, the Zemindars and Renters came immediately in and settled for their rents with Hussein Ally and the Company's civil officers. It appears however, that a small body of Sepoys was sent from Madras to Masulipatam, to have enforced obedience to the Sunnuds if it had been found necessary. But the submission of the Zemindars was spontaneous and immediate, and it does not appear that these Native troops had occasion to stir from their place of landing.

In the mean time the Soubah despairing of our assistance, found means to appease, in some degree, the Mahratta army. Full of resentment at the conduct of the Company, for their breach of the confidence he had reposed in them by the publication of the Sunnuds, without a compliance with the condition annexed to them, he meditated revenge both on the Company and on his own Minister. The Madras Government therefore submitted to restore both the Sunnuds and the country; and as soon as the expences of the troops had been discharged, they were withdrawn. The Nabob of Arcot interposed his mediation with the Soubah for his forgiveness of Hussein Ally, who by dint of a large present lent for the purpose to Hussein by the Nabob, or advanced by the Company's servants, was reinstated in his master's favor; and, recovering his former influence, he returned into the Circars, clothed with efficient powers for the Government of those districts.

No sooner had the Company withdrawn their succours, than the Zemindars and Renters again fell from their allegiance to the Nizam, who finding that nothing but the Company's influence could keep his subjects there in any degree of subordination, now came forward with a direct requisition for their assistance, and an agreement being settled for the subsidy to be paid for their hire, wherein the charge of the garrisons of Masulipatam and Vizagapatam was included, a body of forces with artillery was again sent from Madras upon that service, and they no sooner made their appearance, than all the Zemindars and Renters quietly submitted; order was restored, and Hussein Ally's authority was fully re-established.

The French had lately returned to their factories on the Coast, and a general rumour prevailed that they were preparing to re-assume their possessions of the Circars under the article in the treaty of Versailles for mutual restoration\*; the French ministry having refused, as it was said, to admit the propositions of the Duke of Bedford, relating to India into the final treaty.

\* The affairs of India had escaped notice 'till some time after the preliminaries were signed.

Although

Although this report had no foundation in fact, it nevertheless, for the time, was believed, and gave great alarm to the Company's servants; who, well knowing that if the French were to be re-established in their authority and influence in the Decan, former contentions would instantly be renewed, came to the resolution in any event, of resisting any attempt that might be made for that purpose. At the end of 1764, they opened a new negotiation with the Soubah for a grant of the Circars, upon payment of a stipulated sum annually. They knew that he had hitherto realized but a trifling income from that part of his dominions, and they flattered themselves that as the Zemindars had ever resisted his authority, while they had shewn an anxious disposition to remain under the Company's protection, the Soubah might be induced to yield to their application, at a rent inferior to what the Zemindars could afford, and were willing to pay to him. In their first overtures they offered him five lacks of rupees for the first year; ten for the second; and fifteen every year after. But so great was their anxiety to seclude the French, that without waiting the event of their first offer, they sent a second messenger with a new one, of a prompt payment of five lacks, and to give fifteen lacks per annum from the commencement. The Soubah stood for twenty lacks, which exceeding the authority given to treat upon, was rejected; whereupon the Nizam immediately granted a Sunnud of them to Husein Ally, at that or some other large rent, as we have before observed. The zeal of the Madras Government to obtain possession of the Circars, kept pace only with the instructions from the Directors and the advice of Lord Clive. The difficulty was how to affect it without a rupture. The Company had in 1762, 1763, 1764, and 1765, repeated their earnest wishes to obtain them, but at the same time deprecated new wars and troubles, and in particular cautioned their servants how they infringed the treaty of peace, even in the event of the French procuring a new grant of the Circars; and in some of their letters they expressed their concurrence to any agreement with the Nizam, though attended with an engagement to furnish him with the forces he wanted, if weighty reasons or the necessity of the case should require it. Lord Clive was in the mean time anxiously contemplating on the means of effecting the favorite plan he had formed, of uniting our possessions on the Coast with those in Bengal. The reluctance of the Soubah to accept the Company as his tributaries on reasonable terms, with the absolute necessity there appeared for secluding the French, drove that able commander to solicit a grant from the Mogul, conveying to the Company the intire property of the Five Circars; and in 1765 he obtained it. At the time of the grant reaching Madras, the troops we had lent to the Nizam were still in his pay and service in the Circars, and the Madras Government, with the concurrence of Lord Clive, came to the decisive resolution of availing themselves in any event of the grant. Their forces were already on the spot to maintain or enforce the claim. War however, was if possible to be avoided; treachery, chicanery and bribery were substituted as the safer instruments. Husein Ally, the manager for the Soubah, was in the first instance dealt with, and successfully, to betray the interests of his master, and for the promise of a Jagheer (which was actually settled on him afterwards by the Company) and a promise of support

and protection, and also of being continued in his rentership, he agreed to act with the Company. A very small additional force to what was already there, was then sent into the Circars. The 800 Native troops under Ibrahim Beg the Soubah's military commander were, by the management of Hussein Ally, enlisted into the Company's pay. Vizeram Rauze was also brought over by assurances of lessening his rents, and having traiterously delivered up the Forts of Rajahmundrum and Cossim Cotah, which had been in his charge, he retired to his own Circar of Chicacole. In the mean time a deputation was sent to Hyderabad, again to offer terms of becoming tributaries for the Circars to the Soubah, who was as yet a stranger to the grant of the Mogul. The Fort of Condipilla was deemed a necessary possession to cover the principal pass from Ellore to Hyderabad; and, while the deputies were negotiating with the Nizam, General Calliaud seized upon it. This place is situate between the mountains bordering on the Ellore district, and was taken by storm; four Sepoys being wounded upon the occasion. This was most probably a device concerted to create a panic in the Nizam; for by the agreement then subsisting, our troops were to have possession of any of the Soubah's Forts as the means of subjecting the inhabitants, and Hussein Ally was sole governor.\* So little was the resistance at this Fort, that if there was any, it was deemed too trifling to be worthy of notice by the commanding officer in his letters of the time mentioning the capture of it. The Mogul's Sunnuds were now published, and every Zemindar immediately acknowledged the Company as their sovereign. After a slow and tedious negotiation at Hyderabad, and by dint of money advanced to the Soubah and presents to his \* ministers and officers, his own grant of the Circars was obtained for the Company at a rent or annual tribute or gift of nine lacks of rupees, and under an engagement to furnish a body of forces when called upon; and thus was the Company firmly established in the possession of the Circars, except of the Guntoor, for which they were to wait either the death of Bazalet Jung or his breach of faith, in either of which events the Company were to have the possession of that Circar also; and in the interval two lacks of the rent was to be abated. The Nizam reserved to himself the diamond mines and the villages near them, and also the Kildarry and Jagheer of Condapilly.

It had been agreed that our troops should join those of the Nizam and the Mahrattas, and proceed to the conquest of Hyder Ally's dominions. The troops were accordingly sent, and they remained with him some months; but Hyder by a large bribe brought the Soubah over to his own purposes, and our troops were in consequence withdrawn. Before they quitted the Nizam, a promise was obtained that the tribute (for so it is called) of two lacks per annum for the Chicacole Circar should be relinquished; and in July 1767, the Soubah gave a Sunnud for the remission of it. In August following the Nizam threw off the mask, and openly joined Hyder's army at Bangalore; from whence their

\* One lack was given to the chief minister, half a lack to the second, and presents to the inferiors.

horse made excursions and ravaged the Carnatic as far as Arcot. In September, Colonel Smith drove them from the Carnatic, and in December following, the Nizam separated from Hyder Ally, and soon afterwards confirmed, by a new treaty the Mogul's grant of the Circars, and also his own Sunnud for the remission of the tribute for Chicacole, reserving the other tribute of five lacks, and two more for the Guntoor Circar, payable only when possession should be had; agreeing also to allow out of those tributes 25 lacks of rupees for the expence of the war.

After the death of Bazalet Jung, Lord Cornwallis liquidated all accounts with the Nizam, and obtained possession of the Guntoor. The Company paid him a large balance for arrears, and entered into engagements for the regular payment of the whole annual tribute of seven lacks.

In deciding the question of right to the soil and revenues of these Circars, under the peculiar circumstances by which they were obtained, it is necessary to have recourse to first principles; for the right of sovereignty in the present case seems equally disputable with the right of soil. The reason or principle whereon a right attaches to a sovereign over conquered territories, bears a strong analogy to the cases of escheats. By the operation of law, the legal estate (as it is called) in the lands of a bastard or other person dying intestate without heir, devolves upon the Sovereign, because in the very nature of the case, the legal estate can go no where else, and it must be vested somewhere. So of a conquest, the former owners are driven out, and the legal ownership must, by the necessity of the thing, vest in him who has the right to the services of his subjects the conquerors; and as is before shewn, the Sovereign has a right to their service. In such a case, the legal property could otherwise exist in no one; a fluctuating body being by Law incapable of taking an interest in lands. On the other hand, if there be any thing intermediate that prevents the property passing in a direct channel to the Crown, that circumstance compleatly interrupts the operation of the principle we have described. Thus, if a bastard dies intestate, seized of a copyhold of inheritance, it shall not go to the King, but to the Lord of the Manor; and so on an attain of blood, if the convict has previously transferred the legal interest in his inheritance over to another the King is barred, and shall not take it by his prerogative.

The question then becomes reduced to the simple fact, whether at the time of, and anterior to the Company's taking possession of the Circars, the legal estate in the soil was in them. If it was, it remains so still, and the term of conquest in so far as it has any relation to, or connection with the question of right, is inapplicable to the subject. Every force used however necessary and just, to help any lawful owner to his own, might equally be termed a conquest. In viewing and comparing the case of the Circars with those of Masulipatam and the final conquest of Bengal, for the purpose of discovering the operation of law with respect to the property in the soil, the difference (and a very great one indeed it is) consists in this, that in the former instance the grant was *antecedent* to the possession; it was made by the lawful owner to a party (the East-India Com-

pany) capable and authorized by law to accept and hold the lands so granted, whereby the legal estate and title became transferred to the Company in the first instance, and they have done no act whatever to divest themselves of it, but have obtained possession as they lawfully might, and have ever since retained it. Whereas in the other cases, the grant being made *subsequent* to the conquest, the law instantly cast the legal estate by the conquest upon the King; and any grants made subsequent to the King's title once acquired, though made by the conquered party and former owner to the real conqueror, are unavailable, and cannot operate to divest the King of what he had previously been invested with.

To raise a question at this day upon the efficacy of the Mogul's grant to the Company, would be absurd and preposterous, as striking at the very root of their titles to various parts of our possessions in India, and particularly to the settlements of the Company; and because if the grant be bad, it will not make a title in the King.

With respect to the means used for obtaining the grant in question, it will be also nugatory to enter upon the enquiry, since no part of the claim of the Public is founded upon an imputed forfeiture; and because by the jurisprudence of England, the King must shew a legal title in himself to support his right; no equitable circumstances can avail him in such a case against his subjects. Besides which, if a fraud, however gross and atrocious it may have been, were to be proved or admitted in respect to the means used to obtain the grant, it could give no right of resumption here, nor assist the claim of the Crown or the Public. If by the enormity of the fraud, the grant could be vitiated and set aside, the lands must revert to the grantee upon whom the fraud was committed.

That the Company were capable, and must so continue 'till the law is altered, of acquiring landed property by grants from the country powers to an indefinite extent, is evident both in the letter and the spirit of their Charter, and no man will be hardy enough to deny it, after the high legal authority we have before quoted at large in the Third Chapter upon that very point.

Left what we have already said should not be thought sufficient for supporting the exclusive claim of the Company to the Circars; and lest the claim of the Public should be again brought forward as for a country obtained by conquest, it may be right further to discuss the fact.

That fraud and every species of corruption, chicane and artifice, were practised to create fears and apprehensions in the mind of the Soubah, as the means of influencing and bringing him into our views for effecting our purposes; and that we corrupted his ministers and commanders to gain them over to our interests, will not be denied. Practices of a nature which would never have been admitted in the Councils of the Company's servants, under other circumstances than the very peculiar ones which at that critical juncture existed. But  
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we see in this nothing like *conquest*. The forces we had in the Circars, except a very few that had been added for shew more than actual service, to attend the publication of the Mogul's grant, were at that time in the pay and service of the Soubah himself, and we were in perfect amity with him. The bare act of taking possession of the defenceless Fort of Condapilly and the pass, cannot surely be deemed a conquest of the Circars. It is much to be doubted, if that Fort is deemed a part of the Circars, nor does it clearly appear that it was garrisoned by the Soubah's forces. It may rather be presumed to have been held by a Zemindar, as those Forts were which we obtained by corrupting Vizeram Raufe. But admitting it was the Soubah's, it will be found situate at the extremity of the Circar of Ellore, between the hills, which form the north-west boundary of it. As well might it be argued that by the capture of Breda, the French had accomplished the conquest of the United Provinces, as that a country six hundred miles in length on the sea coast, was conquered by taking this hill fort, situate at the Western extremity of it. The Government of Fort St. George, the moment they knew of the Mogul's grant, had undoubtedly resolved to seize and keep the Circars upon many considerations both political and commercial, and had concerted and taken their measures to meet the event of the Nizam ultimately rejecting their proposals, or of his resisting their attempts to keep them by force. But both justice and policy dictated the propriety of holding them as fiefs of the Empire under the Native Sovereigns, by a rent and military tenure, rather than to involve the country in a new war, and their plan succeeded. They purchased, of the Soubah, a confirmation of their possession by a fine, a yearly rent or tribute, and an engagement to furnish a body of forces when required. They acted upon this agreement by an actual supply of troops immediately after, and they have paid the stipulated rent. It may be said, and perhaps truly said, that the Soubah's mind was influenced in making the grant more by panic and the fear of resentment if he should refuse, than by any advantages he could expect to derive by his compliance. But the motives for his conduct can in no way be admitted to affect the decision on the question of right, nor will they admit of proof; still less ought we to presume that because the Company's servants pursued improper means to gain their point, those means failing, the conquest of the Circars must of necessity have followed; as well might it be argued that though the grant was obtained, the Company instead of being permitted to take the fruits of it, shall be considered as having done that, which they did not in fact do, and which their ability to have done, must have depended altogether on the precarious events of war.

With respect to the treaty of 1768, whereby the Soubah in effect ratified the two former agreements; nothing material appears to us to arise from it to alter the question of right, and therefore we forbear to enter into any discussion of it. The Company's tenure and their possessions remained as before.

It has been noticed that by *conquest*, the sovereignty, as well as the soil, passes to the Crown. If the Law Officers in India had conceived that the Circars were held

held in right of conquest, they could have had no difficulty in advising their constituents to have obtained from the Crown a Charter of Justice for those parts of their possessions. The want of Courts of Judicature there, has long been a subject of very serious complaint. That none have been instituted, can alone be ascribed to the circumstance of our not holding the Circars by right of conquest, but as Jagheerdars and tributaries to the Native Princes. The Law officers of the Company have given it as their opinion, that the sovereignty remains in the country powers, and that no Courts can be instituted but by the authority of the Mogul or his Soubah. If the sovereignty is not in the King, it must follow that the property in the lands or revenues cannot be vested in him; and although the Crown cannot hold by the tenure of another, it is very consistent for the Company to do so, and in fact they always have so held from the time of their obtaining their first Firmauns from the country powers.

Upon the whole, we retain the opinion formerly given in the Third Chapter,\* that in point of law the Crown or the Public have no claim against the Company in the northern Circars, and that they are held by the Company as Jagheerdars to the Mogul, (a species of military tenure, by which they are to furnish a number of cavalry, determinable by the Emperor's books) paying at the same time by voluntary compact, a fixed tribute to the Soubah of the Decan, who is the nominal viceroy and representative of the Mogul in those parts.

How far so large a territory may be necessary for the purposes of commerce, and in that respect proper to be kept by the Company, or for any political purposes to be taken from them and placed in the Crown, it is not our province to determine. The Legislature are the proper judges in that respect. All that we mean to contend is this, that the Circars never were conquered by the East-India Company; that their title to them is by grant, and that there is no law existing by which they can be taken out of their hands, or by which they are liable to account for the revenues of them to the Public, otherwise than according to the terms and conditions of their existing compact for the continuance of their exclusive trade, by which a temporary participation has been established of the Revenues of the British Territories in India at large, of which Masulipatam and the Circars form a part, with a mutual saving of Rights from being prejudiced by that partition.

\* Vide the opinions of the Company's Advocate General and Solicitor General at Fort St. George, given in July, 1783.







An ABRIDGMENT of the ACT for settling the Government and Trade of INDIA, and for the Appropriation of the Territorial Revenues and Profits of Trade.

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THE CONTROUL AT HOME.

**T**HE ACT provides for the continuation of the Board of Controul for the Affairs of India in all its parts, except, that instead of the Secretary of State being the President, the person first named in the King's Commission is to be the President; and, instead of the Commission being limited to six Privy Counsellors, the number is indefinite, resting on the King's pleasure; of which, however, the two principal Secretaries of State and the Chancellor of the Exchequer are to be three: and His Majesty may, if he pleases, add to the list two Commissioners, who are not of his Privy Council.

By the former Act, no salaries were given to the Commissioners for India; and those of their Secretary and other Officers were to be paid out of the Civil List. By the new Act, the King may give £. 5,000 a year amongst such of the Commissioners as he pleases; which, together with the salaries of the Secretary and Officers, and other expences of the Board, are to be paid by the India Company, and not by the Civil List. The whole is not to exceed £. 16,000 a year, the Commissioners Salaries included.

Oaths are prescribed for the Commissioners and their Officers. The office of a Commissioner or Chief Secretary, is not to be  
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deemed a new office, to disable their sitting in Parliament. The appointment of a Commissioner not having a salary, or of a Chief Secretary (if a Member of the House of Commons) is not to vacate his seat; but the appointment of a Commissioner, with a salary, will vacate his seat. Three Commissioners must be present to form a Board.

The powers of the Board are, in substance, the same as under former Acts of Parliament. They are to superintend, direct and controul all acts, operations and concerns which relate to the Civil or Military Government and Revenues of India, subject to the restrictions hereafter-mentioned. They and their Officers are to have access to the papers and records of the Company, and to be furnished with copies or extracts of such of them as shall be required. They are also to be furnished with Copies of all proceedings of General Courts and Courts of Directors, within eight days; and with Copies of all dispatches from abroad, which relate to Matters of Government or Revenue, immediately after their arrival. No orders on those subjects are to be sent by the Company to India until approved by the Board, and when the Commissioners vary or expunge any dispatches proposed by the Directors, they are to give their reasons; and all dispatches are to be returned to the Court of Directors in fourteen days. The Directors may state their objections to any alterations, and the Commissioners are to reconsider them, and if they interfere with what the Directors may deem matters of Commerce, the Directors may apply to the King in Council to determine betwixt them. But the Board are restricted from the appointment of any of the Company's Servants. If the Directors, on being called upon to propose dispatches, on any subject relating to Government or Revenue, shall fail to do so within fourteen days, the Board may originate their own dispatches on that subject.

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The Board are not to authorize any encrease of salaries, or any allowance or gratuity to be granted to persons employed in the Company's service, except the same shall be first proposed by the Company, and their intention and reasons for such grant are to be certified to both Houses of Parliament thirty days before the salary can commence.

The Directors are to appoint three of their members to be a Committee of Secrecy, through whom dispatches relating to Government, war, peace or treaties, may be sent to, and received from India. The Secret Committee, and the persons they employ to transcribe secret dispatches, are to be sworn to secrecy.

Orders of Directors concerning the Government or Revenues of India, once approved by the Board, are not subject to revocation by the General Court of Proprietors.

#### THE GOVERNMENTS ABROAD.

The present Forms of Government over the Presidencies of Bengal, Fort St. George and Madras, are continued in all their essential parts. For Bengal, by a Governor General and three Members of Council. For each of the others, a Governor and three Members. These latter, in respect to treaties with the native Powers of India, levying war, making peace, collecting and applying Revenues, levying and employing forces, or other matters of civil or military Government, are to be under the controul of the *Government General* of Bengal; and are, in all cases whatever, to obey their orders, unless the Directors shall have sent to those settlements any orders repugnant thereto, not known to the Government General; of which, in that case, they are to give the Government General immediate advice.

The Court of Directors are to appoint to these several Governments; namely, the Governor General, the two other Governors,

and the the Members of all the Councils; and likewise the Commander in Chief of all the forces, and the three provincial Commanders in Chief. None of the Commanders in Chief are, *ex officio*, to be of the Council; but they are not disqualified from being so, if the Directors shall think fit to appoint them, and, when they are Members of the Council, they are to have precedence of the other Counsellors. The civil Members of Council are to be appointed from the List of Civil Servants, who have resided twelve years in the service in India.

The Directors may appoint to any of those offices provisionally, but without salary, till the persons appointed shall actually succeed in possession. Any vacancy of Governor General, or Governor, when no provisional successor is on the spot, is to be filled by the Senior of the civil Counsellors, till a successor shall arrive, and the vacant seat in Council, thereby occasioned, shall be temporarily supplied from amongst the Senior Merchants at the nomination of the acting Governor General, or Governor, if only one Counsellor shall then remain. The Governor General and Governors may supply vacancies in Council from the List of Senior Merchants, until successors, duly appointed, shall arrive to take their seats. In all these cases, the salaries and allowances are to follow the acting Members while in office. If the Directors fail to appoint to vacancies in two calendar months after notification thereof, the King may supply them, and the Directors shall not remove any person so appointed. In all other cases the Directors have the power of recalling or dismissing any servants; and the like general power is vested in the Crown. Appointments made before the Act are not to be thereby disturbed.

The Commander in Chief of all the forces, when at either of the subordinate settlements, is to have a seat at the Council Board, but is to have no salary in respect thereof; and if the Provincial Commander is a Member of that Council, he may continue to deliberate

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rate, but his voice shall be suspended, as long as the other shall remain.

Provision is made for supplying the place of any Member of Council, disabled from attending by any casual illness or infirmity.

The departure of any Governor or Member of Government, or Commander in Chief from India, with intent to come to Europe, or any written resignation delivered in by them shall be deemed an avoidance of office, and the coming into any part of Europe shall be a sufficient indication of that intent. No salary shall be paid or payable to any Officer, or his Agent, during absence, unless employed on actual service; and if any officer, unless absent on service, never returns, the salary is to be deemed to have ceased from the day of his quitting the settlement.

The Act prescribes the order and method of conducting business at the several Council Boards. Matters propounded by the President, shall be first proceeded upon. He may adjourn the discussion of questions put by the Members of Council, but not more than twice, nor beyond forty-eight hours each time. All orders are to be expressed to be made by the Governor General *in* Council, or Governor *in* Council. Powers are given to the Governor General or Governors, to act contrary to the opinions of the other Members of Council, taking upon themselves the sole responsibility. On such extraordinary occasions, the Governor General, or Governor, and Counsellors are to communicate to each other their opinions and reasons by minutes, in writing, and to meet a second time; and if both retain their first opinion, the minutes are to be entered on the consultations, and the orders of the Governor General, or Governor, are to be valid, and put in execution.

If the Governor General shall visit any subordinate presidency, he shall appoint a Vice President to act in Bengal during his absence

fence, who, with the Council, may act for that Presidency alone. The Governor General's authority, and that of his Council over such subordinate settlement, shall be transferred to the Council Board of the Presidency where he shall be present; except in judicial cases. And whilst he is in a subordinate Presidency, the Governor thereof shall have only a voice in Council. His other authorities, except in regard to judicial matters, shall be suspended. If the Governor General shall be in the field without a Council, all the Governments and Officers shall obey his orders, and he alone shall be responsible.

These extraordinary powers shall not extend to the imposing any tax, nor to any act which might not be done by the whole Council, nor to any judicial case, nor to the suspension of any standing order of Government, nor shall those powers be exercised by persons casually succeeding to the temporary Government; and the Directors, with the approbation of the India Board, may suspend these extraordinary powers, and again revive them; and all the Governments are laid under restrictions to prevent war or extension of dominion in India, unless hostilities against the Company, or their allies, shall render war unavoidable; and the Members of the subordinate Governments, acting contrary to this Act, or to the directions of the Government General, may be suspended or dismissed by that Government, and further punished. The subordinate Presidencies are also required to communicate all matters of importance to the Superior Government, with all dispatch.

The Governor General, and the other Governors, are vested with powers of apprehending persons suspected of illicit correspondence. Witnesses are to be examined and cross examined, and their evidence recorded; and the parties may be tried either in India or sent home: in the latter case, the depositions of the witnesses are  
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also to be sent home, and are to be received in evidence, subject to impeachment in respect to the competency of the witnesses.

To the acting President of the several Council Boards, is given a casting vote in all cases of equality of voices.

#### PATRONAGE AND RULE OF PROMOTION.

The Directors are to appoint so many Cadets and Writers only, as to supply vacancies according to returns from abroad. Their ages shall not be under fifteen, not exceed twenty-two, unless any Cadet shall have been one year in the King's service, and then his age is not to exceed twenty-five years. All shall have promotion by seniority of service only. Three years service qualifies a civil servant for a place of £.500 a year; six years for one of £.1500; nine years £.3000; twelve years £.4000 a year or upwards. None to take two offices, where the joint emoluments shall exceed this rule. All Collectors of the Revenue are to take the oath prescribed in the Act against the acceptance of presents, and for faithfully rendering to the Company all they shall receive.

The acceptance of any present, by any servant of the Crown, or of the Company in India, is made punishable as for extortion (with a saving of fees to professional men) and the Court, before whom such offence is tried, on any conviction, may return the present to the party who gave it, or dispose of any fine in favour of the prosecutor.

Disobedience of orders of the Directors by servants abroad, is made punishable as for a misdemeanor, and so is any breach of trust or duty, or making or being party to any corrupt bargain concerning any office or employment, whether by a King's or a Company's servant; and all the King's subjects in India are made  
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amenable to all Courts of competent jurisdiction abroad, and at home for all crimes committed by them in India. The Company may compound civil actions, now depending, or hereafter to be brought at any time before judgment, but in criminal cases they are absolutely restricted from compounding or remitting any judgment or sentence whatever.

Servants of the Company, after five years absence, cannot return with their rank, nor serve again, unless detained by sickness; or unless it be by leave of the Company on a ballot of three parts in four of the General Court. In case of sickness, the Directors are the judges in the Civil Service, and in the Military the Directors and the Board of Controul jointly are the judges.

### THE TRADE.

The Company's term is extended for 20 years, from the 1st of March 1794; subject to be determined at, or after that period, on three year's previous notice by Parliament, signified by the Speaker of the House of the Commons; subject, however, as to the trade to and from *India*, to the following limitations in favour of such private Merchants, as may choose to trade thither. In other respects, and to and from *China*, and other places beyond the Cape of Good Hope, the former restrictions against private Traders are continued in force; and if the exclusive trade thus limited, shall be hereafter discontinued, the Company are still to retain their corporate capacity, with power to trade with a joint stock in common with other people. If, however, any new settlement shall be obtained from the Chinese Government, separate from the Continent of Asia, an export trade thither is reserved to private Merchants, under certain conditions and regulations; and there is also a clause to preserve the Southern Whalers in the benefit of  
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their carrying trade into the Pacific Ocean, by the way of Cape Horn, to the northward of the Equator, limited to 180 degrees west longitude from London; and ships from Nootka Sound are to be licensed to trade from thence with Japan and China, but are not to bring any goods of the produce or manufacture of those Countries to Great Britain.

### LIMITATIONS ON THE EXCLUSIVE TRADE TO AND FROM INDIA.

All persons may export and import goods to and from India in the Company's ships, except that they shall not export military stores, ammunition, masts, spars, cordage, anchors, pitch, tar, or copper; nor import India calicoes, dimities, muslins, or other piece goods, made or manufactured with silk or cotton, or with silk or cotton mixed, or with other mixed materials, unless it be done by leave of the Company. If the market shall not be sufficiently supplied with the excepted articles of import or export, with an exception of military stores and copper, the Board of Controul may open that trade also to individuals. If the Company should not export 1500 tons of copper annually, private Traders may export copper, in the Company's ships, to the amount of the deficiency.

The Company are to furnish private Traders, till 1796, with 3000 tons of shipping yearly, computed on the same principle as the Company's own tonnage is computed. The quantity may be increased by order of the Board of Controul, to meet the demands of the private Traders; and if the Board order more than the Company approve, they may appeal from the order to the King in Council. And the Company are restricted from charging any higher freight than £.5 per ton outwards, and £.15  
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per ton inwards, except in time of war, or in circumstances incidental to war, or preparations for war, when they may charge an increased rate of freight, in a due proportion to the rates at which they shall take up their own shipping, but the proposed increase can only be made by the consent of the India Board, to whom the Directors are also required, in 1794, and in every third year afterwards, to lay a statement of the affairs of shipping, and to abide by their order, touching any continuance, encrease, or abatement of the rate of freight on private trade.

Private traders are required to notify to the Company's Secretary, at home, and to the proper officers in India, at a time limited, the quantity of tonnage wanted by them for the ensuing season, with the place of destination, and the time when the goods will be ready for shipping. At home, this notice is to be given before the 31st August for the ships of the ensuing season, and before the 15th September they are to deposit the sum for the tonnage, or give security to the Directors for payment of it. Before the 30th of October, they are to deliver a list of the sorts and quantities of the goods intended to be sent. In failure of having them ready, by the day specified in the notice, they are to forfeit their deposit or the security, and also their tonnage for that turn. Similar rules are prescribed for shipping, &c. goods in India; but it is left to the Governments there to fix the times, and to name the officers, to whom notices are to be given. The Company is to have the benefit of all forfeited and vacant tonnage, and if more is demanded for private trade than the quantity limited, every person is to have his due proportion; and notice is to be given him thereof, seven days before the day for making the deposits. All Private Trade is to be registered in the Company's books, and, in default of being registered, it is to be considered as illicit trade, and punishable accordingly.

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The restrictions of the law against the Company's Servants, or others, from acting as factors for foreigners, or lending money to foreign Companies, or on bottomry of their ships, or assisting them with remittances by bills, are repealed. And all legal impediments to the recovery of debts, under any pretence that they were incurred illicitly, and against the letter of these abrogated laws, are removed ; and all persons in India, not specially prohibited by the Company, or restricted by their covenants, are authorized to act as mercantile agents for any who may choose to employ them ; and if there shall be a want of Factors (properly qualified and authorized) the Company are to license free merchants, with the approbation of the India Board, so that there may be always a proper supply of agents for conducting the Private Trade abroad. But the becoming factors is not to exempt any persons from being amenable to the general authorities of the Governments in India ; and all Agents are restricted from going beyond ten miles from some principal settlement without special leave.

As a further relief to Private Traders, the duty of 5 per cent., granted by an Act of King William, on Goods imported in Private Trade, is, in respect to the India Trade, repealed ; and the Company's usual charge of 2 per cent. discontinued, and in lieu of these, and in satisfaction of the expences of unshipping, hoyage, cartage, warehouse room, sorting, lotting, and selling private goods, the Company is to have £. 3 per cent. on the gross amount of the sales of Private Trade, the customs thereon included. The repeal, or the allowance thus substituted, is however not to extend to special engagements made between the Company and any of their Officers, touching their privileges.

For the ease of manufacturers, who may import any articles of raw materials, Rules or By-Laws are to be framed and established

for bringing them to as early a sale as possible, and for preventing any undue preference in the sales of the same commodity amongst any of the importers, whether the goods belong to the Company or to Individuals, the sales are to be open and public, by inch of candle; and the whole consignment bought in by the private importer, is to be delivered out to him, on payment only of the duties and other dues thereon. All other goods imported in Private Trade are to be sold, and treated as heretofore, according to the By-Laws of the Company; and all goods in Private Trade are to pay to Government the same customs as goods imported by the Company on their own account.

And inasmuch as the allowance of 3 per cent., and the rates of freight, will be insufficient to indemnify the Company their actual charges upon Private Trade, the Legislature hath thought it just to exempt the Company from actions for losses or embezzlements, which a common carrier might, in ordinary cases, be liable by law to make good to the owner. But the Act provides that the Company's Officers, and all persons through whose means or negligence any loss shall happen, shall be liable to make it good to the owner, and it gives a further remedy to the owner, in certain cases, to recover satisfaction, by enabling him to prosecute under the written engagements or securities taken by the Company for the safe keeping of their own merchandize. All the laws prohibiting the import of goods from any other place than that of their growth, and for continuing all prohibitory laws in respect to the consumption or wearing of foreign manufactures are continued.

#### APPROPRIATIONS.

First; in India. The territorial revenues are to be applied, in the first place, in defraying all charges of a military nature. Secondly;

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In payment of the interest of the debts there already, or hereafter to be incurred. Thirdly ; In payment of the civil and commercial establishments. Fourthly ; In payments of not less than one million per annum for the Company's investments of goods to Europe, and remittances and investments to China ; and the surplus, if any shall remain, is to be applied in the discharge of debts, or such other purposes as shall be directed from home. The sum allowed for investments, may from time to time be increased to the extent of the diminution made in the annual amount of the interest of debts which shall be paid in India or transferred home ; for which transfer, provision is made to an extent of £.500,000 a year, by bills of exchange to be drawn upon the Company : and if the creditors shall not subscribe to that amount, other persons may subscribe, and the money advanced by them for bills is to be applied in discharge of such debts ; and this rule is to be continued till the India debt shall be reduced to two millions. The Company may increase these transfers home, but the Governments abroad are restricted from exceeding the above amount, without their orders.

Secondly at Home. The net produce of the Company's funds at home, after payment of current charges, are thus appropriated : First ; In payment of a ten per cent. annual dividend, on the present or any increased amount of the capital stock of the Company. Secondly ; Of £.500,000 per annum to be set apart on the first March and the first September, half yearly ; and applied in the discharge of the before-mentioned bills of exchange, for the aforefaid reduction of the India debt. Thirdly ; Of a like annual sum of £.500,000 to the Exchequer, to be applied by Parliament for the use of the Public, and to be paid on the 1st of January and first of July, half yearly, by equal instalments. And, lastly ; The surplus may be applied in the more speedy reduction of the India debt, till reduced

to two millions; or in discharging debts at home, so as not to diminish the bond debt below £.1,500,000. Subject to these appropriations, and after the debt in India is reduced to two millions, and the bond debt at home to £.1,500,000; *one sixth* part of the ultimate surplus, is to be applied to an increase of dividend on the capital stock, and the remaining *five sixths*, is to be made a Guarantee Fund, or collateral security for the Company's capital stock, and their dividend of ten per cent. until such Fund, by the monies paid by the Company, and the interest thereof, shall have amounted to twelve millions; and after that time, the said *five sixths* of the surplus is to belong to the Public in full right. These *five sixths* are to be paid into the Bank, and laid out in the purchase of redeemable annuities, in the names of the Commissioners for the reduction of the National debt, who are also to receive the dividends, and lay them out in like manner, until twelve millions have been invested. That being accomplished, the annual dividends of the stock purchased therewith, are, in the first place, to make good any defalcation in the Company's revenues, to pay the ten per cent. dividend, and subject thereto, those dividends are to belong to the Public. If on the Company's exclusive trade being determined, their own assets shall prove insufficient to make good their debts, and also their capital stock rated at 200 per cent., the excess of such Guarantee Fund is to make good the deficiency, as far as it will extend, and in the event of the Company discontinuing their trade altogether, the excess is to belong to the Public. But if the Company shall continue to trade with a joint stock, then the overplus, and the annual dividends thereof, are to remain as a like guarantee, for a dividend of ten per cent. and the capital rated at £.200 per cent. as long as the Company shall trade with a joint stock; but subject to the making good any such deficiencies the said Fund is to be deemed the property of the Public.

If

If the bond debt at home, or the debts abroad, after being reduced to the sums before limited, shall be again increased, the former appropriation is to be revived, until those debts shall be again diminished to their respective standards before limited.

Any deficiency in the Funds to make good the £.500,000 to the Exchequer in any year, is to be made good in the excesses of subsequent years, unless it happens in time of war, or by circumstances incidental to war, in which case the deficiencies are not to be carried forward as a debt on the *annual* funds of the Company, nor be brought forward as a debt to be paid by the Company, unless only in the event of their assets, on the conclusion of the exclusive trade affording more than sufficient to make good the capital stock, rated at £.200 per cent. but any excess of such assets beyond that amount, is liable to make good the deficiency of any such payments to the Public; no interest is to be computed in the mean time on such deficiency.

The securities given by the Cashiers of the Bank, are to extend to the monies they may receive under this Act, and the Treasury is to direct the allowances for management; and if the India Company make default in any payments directed by the Act, they may be sued, and shall pay £.15 per cent. damages with costs of suit.

The Act directs the manner in which receipts shall be given, and a power is lodged in the Treasury, to give the Company further time for payment in cases of exigency. And it is declared, that neither the claims of the Public, nor of the Company, to the territories in India, shall be prejudiced by the Act, beyond the prolongation of the term in the Exclusive Trade. The act also contains a clause of mutual acquittal of all outstanding demands between the Crown and the Company, to the 24th Day of December, 1792.



The Act recognizes the rights of the Company to a sum of £467,896 7s. 4d. in money and £9,750 East India stock; (which sums constitute the separate Fund of the Company, established under the Act of 1781;) and it is observed, that it will be more for the general interest of the Company to continue that money employed in trade, computing an interest upon it, and to make it a fund for a permanent increase to their dividend, of 10s. per cent., than to draw it from their trading capital for any sudden distribution. And it then authorizes and limits the Company to make a dividend from this separate fund, and the interest thereof, after the rate of 10s. per cent. per ann. during their further term in the exclusive trade; and at the end of the term, it gives them a power of disposing of the remainder of this fund as they shall think fit.

The Company are not to grant any pensions, or new salaries, beyond £.200 per ann. to any one person, without the consent of the Board of Controul; and they are to lay before Parliament, annually, a list of all their establishments abroad, and at home, in which all pensions and new salaries are to be particularly noticed; and also complete accounts of all their affairs, receipts and outgoings of the preceding year, with estimates for the following year.

All the old Laws for preventing clandestine trade with India, and from lending to or assisting, or being concerned with Foreign Companies, or Foreign Traders, are wholly abrogated, and the following provisions are substituted in their place, observing that the penalties are made to extend only to such of His Majesty's subjects as belong to Great Britain, Guernsey, Jersey, Alderney, Sark, Man, Faro Isles, or to the Colonies, Islands, or Plantations in America or the West-Indies; and that all vessels and goods forfeited, may be seized by any of the Company's Officers in India or China.

Persons going unlawfully to India, and trafficking there, forfeit ships, vessels, goods, and merchandize, and double the value thereof ; one fourth to the Informers, and three fourths to the Company, they paying thereout the costs of prosecution.

Persons unlawfully going to India, shall be deemed unlawful Traders, and subject to the foregoing penalties and forfeitures, and may also be prosecuted as for a crime and misdemeanor, and be liable to fine and imprisonment. One moiety of the fine goes to the King, the other to the Company, if they prosecute, or else to any other informer.

Persons unlawfully resorting to India, may be seized and sent home for trial ; and, on arrival, they are to give bail, or be committed to prison.

Persons dismissed the service, or whose licences shall have expired, if they continue in India, are to be continued as illicit Traders, and are made subject to penalties and forfeitures of goods, &c. as such.

Goods shipped clandestinely, or such as are restricted by the Act, and goods unshipped at sea, shall be seized and forfeited, with double the value, and the Master, or other Officer, knowingly permitting or suffering the same, shall forfeit all his wages to the Company, to be deducted out of the monies payable to the owners, and be disabled from again acting in the service.

Any who shall solicit for, or accept a foreign commission, to sail to and trade in India, shall forfeit £. 500, half to the Company, and half to the Prosecutor, or the whole to the Company, if they shall prosecute.

All Governors and Counsellors are prohibited from trading, except for the Company ; and all Collectors, Supervisors, and

others employed in the Revenues of Bengal, Bahar, and Orissa, or their Agents, or any in trust for them, are prohibited from inland trade, except for the Company. The Judges of the Supreme Court of Judicature in Bengal, are absolutely prohibited from traffick; and none, without the permission of the Company, shall trade in Salt, Beetle Nut, Tobacco, or Rice, on pain of forfeiture of the goods, and treble the value, one moiety to the Company, and the other to the Prosecutor.

None shall send goods from India to the Continent of Europe, by any other channel than as allowed by the Act, on pain of forfeiture of double the value; but this restriction is not to extend to matters of agency, only on the account *bond fide* of any foreign Company or foreign Merchant.

The Act then prescribes the method of suing for forfeitures and penalties, and determining the legality of seizures. It gives a right of suing by Action, Bill, or Information, in any of the Courts of Westminster (in which case the venue is to be laid in London or Middlesex), or in the Supreme Court of Judicature in Bengal, or the Mayor's Court at Madras or Bombay; and in such suits the legality of seizures of persons, ships, or goods, is made cognizable. In cases of misdemeanors, the offenders are punishable by fine and imprisonment, and if abroad, they may be sent home, as part of the punishment; and a *capias*, for arresting the accused party, is given in the first instance, which may be compounded for by bail.

For securing to the Crown the duties for goods unlawfully trafficked with, in the cases of forfeiture of goods, the Attorney General may prosecute the offenders, or their partners, by bills in a Court of Equity, waving penalties, and the defendants shall make full discovery of their illicit traffick upon oath, and shall be decreed to pay all the duties thereupon to Government, and £. 30 per cent.

on

on the value of the goods to the Company, and shall be relieved against all other forfeitures. The Company may, in like manner, proceed against offenders by Bill in Equity, and if they fail they shall pay costs. Defendants are to pay costs to the Crown and to the Company, when the decree shall be against them.

If a common informer, before any suit is commenced, shall make known any offence to the Company, or the Attorney General, and either of them shall prefer a Suit in Equity, in that case the informer shall be entitled to one third part of the simple value of the concern which shall be recovered. But if the Directors prefer a prosecution at law, the informer may proceed, but shall not discontinue the suit without their consent.

When the Company are the first informers, the whole of the informers shares of penalties and forfeitures shall belong to the Company, although the suit be commenced after the time elapsed for common informers to sue or prosecute the offence.

On any suit against the Company or their Servants for seizing, &c. the defendants may plead the general issue, and give the Act in evidence, and the burthen of proofs shall be on the plaintiffs, that the seizure, &c. was unlawful; and on nonsuit, verdict, or judgment, the plaintiffs shall pay treble costs.

The Acts or parts of Acts repealed, are as follow: 9 and 10 W. 3. ch. 24. f. 81. The whole of the temporary Act of 5 Geo. 1. chap. 21. and so much of the several Acts as continued it in force. The 7 Geo. 1. ch. 21. f. 1. to f. 9. The whole of 9 Geo. 1. ch. 26. The 3 Geo. 2. ch. 14. f. 9. The 17 Geo. 2. ch. 17. f. 11. The 10 Geo. 3. ch. 47. f. 1 and 2. The 13 Geo. 3. ch. 63. f. 23 to 29. and f. 32 to 35. The 21 Geo. 3. ch. 65. f. 29. The 24 Geo. 3. ch. 25. f. 3, 13, 29 and 31. The whole

of the 26 Geo. 3. ch. 16. and the 32 and 33 f. of 26 G. 3. ch. 57. The repeal is not to extend to offences committed before the commencement of the Act, nor is it to affect the powers of the present Board of Controul, until a new one shall be appointed; nor to affect the powers given to the India Board by certain Acts of the 28th and 31st years of the King, concerning the forces in India.

The jurisdiction of the Supreme Court of Judicature at Fort William, in causes of Admiralty, is made to extend to the High Seas at large, whereby a defect in the Act of 1773 for constituting that Court is cured.

For increasing the number of Magistrates in Bengal, Madras, and Bombay, the Supreme Court of Judicature in Bengal is to issue commissions of the peace, in pursuance of orders issued in Council for that purpose; and any of the Justices, so appointed, may by order in Council, sit also in the Courts of Oyer and Terminer, taking the oaths of Justices in England, excepting the oath prescribed by the Act of the 18 Geo. 2. (relating to qualification by estate.) The proceedings and judgments of justices may be removed to the Court of Oyer and Terminer by Certiorari, as may be done into the Court of King's Bench in England, and on similar conditions, but cannot be set aside for want of form, but on the merits only. The Justices may also associate with the Judges in causes appealed, when called upon so to do.

The Governments abroad may appoint Coroners to take inquests upon the bodies of persons coming to an untimely end, and appoint fees to be paid for that duty.

The Justices of the Peace may appoint Scavengers, and raise money by assessments for cleansing, watching, and repairing the streets

streets of Calcutta, Madras, and Bombay: they may also license houses for retailing spirituous liquors, and fix the limits of those towns; and none are to retail spirits but such as they shall so license, under the penalties of the laws of Great Britain.

A special oath is prescribed to be taken in future by the Directors of the Company, prohibitory of their acting as Directors, when concerned in buying from, or selling to the Company any goods; and prohibitory of their being concerned in any shipping employed by the Company, or accepting any present for any appointment of office, or of being concerned in any Private Trade contrary to the Act.

The Days and Hours fixed by former Acts of Parliament for *Purchasers of Teas* to make their *Deposits*, having been found inconvenient to the Trade, the Act has, with their Approbation, fixed *Tuesdays* and *Saturdays* at the Hour of THREE for making their Deposits in future.

Prosecutions for any thing done under the Act are limited to three years, or if the party aggrieved be abroad, then in three years after his return.

The Act is to commence in Great Britain as soon as it shall receive the Royal assent, and in India on the 1st of February, 1794, except when any special commencement is prescribed in it.

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